

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM,
JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

-against- Case No. 07-Civ-1215

(SJF)(ETB)

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR
JOSEPH C. LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE
K. ROGERS, individually and in her official
capacity; OCEAN BEACH POLICE DEPARTMENT;
ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity;
SUFFOLK COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT: OF
CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,
Defendants.

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926 Reckson Plaza

Uniondale, New York

November 19, 2008

10:03 A.M.

VIDEOTAPE DEPOSITION of KEVIN

LAMM, taken pursuant to the Federal Rules of
Civil Procedure, and Notice, held at the
above-mentioned time and place before Edward
Leto, a Notary Public of the State of New
York.

A P P E A R A N C E S:

THOMPSON WIGDOR & GILLY LLP

Attorneys for Plaintiffs

85 Fifth Avenue

New York, New York 10003

BY: ANDREW S. GOODSTADT, ESQ.

RIVKIN RADLER LLP

Attorneys for Defendants

Incorporated Village of Ocean

Beach, Mayor Joseph C. Loeffler,

Jr., former Mayor Natalie K.

Rogers, and Ocean Beach Police

Department

926 Reckson Plaza

Uniondale, New York 11556

BY: KENNETH A. NOVIKOFF, ESQ.

MARK, O'NEILL, O'BRIEN & COURTNEY, P.C.

Attorneys for Defendant Acting

Deputy Police Chief George B.

Hesse

530 Saw Mill River Road

Elmsford, New York 10523

BY: KEVIN W. CONNOLLY, ESQ.

ALSO PRESENT

Albert Santana, Legal Video Specialist

Frank Fiorillo

Joseph Nofi

Thomas Snyder

1
2 IT IS HEREBY STIPULATED AND
3 AGREED by and among counsel for the
4 respective parties hereto, that the filing,
5 sealing and certification of the within
6 deposition shall be and the same are hereby
7 waived;

8 IT IS FURTHER STIPULATED AND
9 AGREED that all objections, except to the
10 form of the question, shall be reserved to
11 the time of the trial;

12 IT IS FURTHER STIPULATED AND
13 AGREED that the within deposition may be
14 signed before any Notary Public with the
15 same force and effect as if signed and sworn
16 to by the Court.
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1 K. Lamm

2 THE VIDEOGRAPHER: This is tape
3 number one of the videotape deposition
4 of Kevin Lamm in the matter of Edward
5 Carter, et al., Plaintiffs, versus
6 Incorporated Village of Ocean Beach, et
7 al., Defendants, in the United States
8 District Court, Eastern District of New
9 York, case number
10 07-CIV-1215(SJF)(ETB), on November 19,
11 2008, at approximately 10:03 a.m.

12 My name is Albert Santana from
13 the firm of Precise Court Reporting and
14 I'm the legal video specialist. The
15 court reporter is Ed Leto in
16 association with Precise Court
17 Reporting. For the record, will
18 counsels please introduce themselves.

19 MR. NOVIKOFF: On behalf of the,
20 um, Village Defendants, the Ocean Beach
21 Police Department, Mayor Rogers and
22 Mayor Loeffler, both in their
23 individual and official capacities, Ken
24 Novikoff from the law firm of Rivkin
25 Radler.

1 K. Lamm

2 MR. CONNOLLY: On behalf of
3 Defendant Acting Police Chief -- Active
4 Deputy Police Chief George B. Hesse,
5 Kevin Connolly of Mark, O'Neill,
6 O'Brien & Courtney.

7 MR. GOODSTADT: Andrew
8 Goodstadt, Thompson, Wigdor & Gilly, on
9 behalf of the Plaintiffs.

10 MR. NOVIKOFF: And just for the
11 record, I believe Mr. Nofi, Mr. Snyder
12 and Mr. Fiorillo are present with you
13 today, correct, Mr. Goodstadt?

14 MR. GOODSTADT: That is
15 correct.

16 MR. NOVIKOFF: Okay. Are we
17 set?

18 THE VIDEOGRAPHER: Now will the
19 court reporter please swear in the
20 witness.

21 K E V I N L A M M, having first been duly
22 sworn by a Notary Public of the State of New
23 York, was examined and testified as follows:

24 EXAMINATION BY

25 MR. NOVIKOFF:

1 K. Lamm

2 THE COURT REPORTER: Please
3 state your name for the record.

4 THE WITNESS: Kevin Lamm.

5 THE COURT REPORTER: Please
6 state your address.

7 THE WITNESS: 1066 Cassel
8 Avenue, Bay Shore, New York.

9 THE COURT REPORTER: Spell it,
10 please, the street.

11 THE WITNESS: C-A-S-S-E-L,
12 Avenue.

13 THE COURT REPORTER: Try to keep
14 your voice up, please.

15 Q. Who, if anyone, resides with you
16 at your present address?

17 A. My mother.

18 Q. Were you in attendance at the
19 deposition taken by your counsel yesterday
20 of Mr. Pat Cherry?

21 A. No, I was not.

22 Q. Were you in attendance at any of
23 the depositions?

24 A. Yes, I was.

25 Q. Which depositions were you in

1 K. Lamm

2 attendance of?

3 A. Maryanne Minerva.

4 Q. Okay.

5 A. And Natalie Rogers.

6 Q. Did you take any notes during
7 Ms. Minerva's deposition?

8 A. I wrote a few things down.

9 Q. Do you -- are you still in
10 possession of those notes?

11 A. No, I'm not.

12 Q. Did you destroy them?

13 A. Yes.

14 Q. When did you destroy them?

15 A. Right after the deposition was
16 over.

17 Q. Why did you take the notes down?

18 MR. GOODSTADT: Objection.

19 This is --

20 Q. Why did you take the notes down?

21 MR. GOODSTADT: Objection.

22 Don't -- don't answer. This is a -- a
23 privilege question. He took them at
24 our request for our use in preparation
25 for --

1 K. Lamm

2 MR. NOVIKOFF: Well, that's
3 what I thought until he said he
4 destroyed them at the end. I don't
5 think it's privileged if your client
6 takes notes down during a deposition,
7 but --

8 MR. GOODSTADT: If they're
9 not --

10 MR. NOVIKOFF: Look, I
11 understand you're objecting on the
12 basis of privilege.

13 MR. GOODSTADT: I am.

14 MR. NOVIKOFF: Okay. Fine.

15 Q. Did you take any notes at
16 Ms. Rogers' deposition?

17 A. No, I didn't.

18 Q. Okay. So the only notes you took
19 were during Ms. Minerva's deposition?

20 A. Yes.

21 Q. Okay. Now I note that you're
22 wearing a tie today. Did you wear a tie
23 when you were present at Ms. Minerva's
24 deposition?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 A. No, I didn't.

3 Q. What's that?

4 A. No, I didn't.

5 Q. Did you wear a tie when you were
6 present at Ms. Rogers' deposition?

7 MR. GOODSTADT: Objection.

8 A. No, I didn't.

9 Q. Okay. And you were aware today
10 that you were going to be videotaped for
11 your deposition, correct?

12 A. Yes.

13 Q. Did you review the Complaint that
14 has been filed in this action prior to it
15 being filed?

16 A. Yes.

17 Q. For what purpose did you review
18 the Complaint?

19 A. To read over what was in there,
20 what we stated.

21 Q. And would it be fair to say, sir,
22 that you read over the Complaint to make
23 sure that to the extent you had knowledge of
24 the allegations, that they were accurate?

25 A. Yes.

1 K. Lamm

2 Q. And would you agree with me that
3 it would be important that you -- that
4 allegations for which you had knowledge of
5 were not misrepresented in the Complaint?

6 MR. GOODSTADT: Objection.

7 A. Correct.

8 Q. And would you agree with me that
9 it would be important that with regard to
10 information that you had knowledge of, that
11 the information was truthful in the
12 Complaint, correct?

13 MR. GOODSTADT: Objection.

14 A. Correct.

15 Q. Without giving me any substance
16 of conversations between you and your
17 counsel, did you authorize your attorney to
18 file the Complaint on your behalf?

19 A. Yes.

20 Q. Would it be fair to say that
21 everything that you reviewed in the
22 Complaint, that at least you had knowledge
23 of, was accurate, to the best of your
24 recollection?

25 A. Yes.

1 K. Lamm

2 Q. Okay. Now do you recall alleging
3 a claim in this case of tortious
4 interference with a prospective business
5 relationship under New York law?

6 A. I don't understand. Can you --

7 Q. Do you -- do you -- are you aware
8 as you sit here today that you've made
9 certain claims against the Defendants in
10 this case, correct?

11 A. Yes.

12 Q. And you're aware that you've
13 claimed that your 14th Amendment due process
14 rights have been violated, do you -- do you
15 understand that?

16 A. Yes.

17 Q. Do you understand that you've
18 claimed that your 14th Amendment liberty
19 interest claims -- rights had been
20 violated?

21 A. Yes.

22 Q. Do you understand that you've
23 claimed in this case that your 1st Amendment
24 rights have been violated?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 A. Yes.

3 Q. Okay. And you've made various
4 other claims in this case, would you agree
5 with me?

6 A. Yes.

7 Q. Okay. Now one of the claims in
8 the Complaint says -- is labeled "tortious
9 interference with a prospective business
10 relationship under New York law." My
11 question to you is, do you recall that that
12 is a claim in this case that you've alleged
13 against some or all of the Defendants?

14 A. Can you define what you mean by
15 "business"?

16 Q. No, sir, because this is your
17 allegation. So my question to you is -- I'm
18 not asking you to define anything. I'm
19 asking you, do you recall alleging that as a
20 claim in this case? If you don't recall,
21 then you don't recall. That's fine, too.

22 A. I recall something to that
23 effect.

24 Q. Okay. What new employment were
25 you scheduled to commence shortly after you

1 K. Lamm

2 were not rehired by the Ocean Beach Police
3 Department in or about April of 2006?

4 A. I was processing for the Suffolk
5 County Police Department.

6 Q. Is that the only employment that
7 you were scheduled to commence shortly after
8 the April 2006 time period?

9 A. No. There were other town and
10 village police agencies that also sent out
11 canvas letters that I responded to.

12 Q. What other town and municipal
13 agencies I believe you testified to did you
14 send out that you received canvas letters
15 from?

16 A. Southampton Town Police,
17 Southampton Village Police, Huntington Bay
18 Police, Lloyd Harbor Police.

19 Q. Anything else?

20 A. I believe that is all.

21 Q. Okay. Let's start with the
22 Suffolk County Police Department. You --
23 you just indicated I believe, and if I'm
24 wrong, please tell me, that you were in the
25 process of seeking employment with the

1 K. Lamm

2 Suffolk County Police Department; is that
3 correct?

4 MR. GOODSTADT: Objection.

5 A. Yes.

6 Q. What did you mean by "process"?

7 A. Going through the processing as
8 far as backgrounds, their agility, medical.

9 Q. Did you have to take a test in
10 order to apply for the Suffolk County Police
11 Department?

12 A. A written test.

13 Q. Okay. When did you take that
14 written test?

15 A. I believe it was in the year of
16 2003.

17 Q. Okay. When in 2003?

18 A. I believe it was either May or
19 June.

20 Q. What type of written test did you
21 have to take in May or June of 2003?

22 A. Police test.

23 Q. Can you describe what that police
24 test is?

25 A. Reading comprehension test.

1 K. Lamm

2 Individualization. Memorization.

3 Q. Did you pass the test?

4 A. Yes, I did.

5 Q. Do you know what score you got?

6 A. 92.5.

7 Q. Okay. And do you know, was there
8 a list that you appeared on with regard to
9 eligible employees for the Suffolk County
10 Police Department?

11 A. Yes, there was.

12 Q. And can you describe what that
13 list is?

14 A. It's your number of ranking.

15 Q. And do you know who puts out that
16 list?

17 A. Suffolk County Civil Service.

18 Q. And did you receive a copy of
19 that list?

20 A. Yes.

21 Q. After you took the test and
22 passed it?

23 A. Not the list. Just what my list
24 number was.

25 Q. Okay. And what was your list

1 K. Lamm

2 number?

3 A. I believe it was 303 or it was
4 313. I believe 303.

5 Q. Okay. And when did you receive
6 that document that listed you as either 303
7 or 313?

8 A. I believe somewhere close to
9 or -- the year 2004 or just before 2004 in
10 the wintertime.

11 Q. Okay. When you say just
12 before -- so the winter of 2003 you may have
13 received the list?

14 A. Right. Or it could have been
15 just when it turned 2004.

16 Q. Okay. And what understanding, if
17 any, did you have with regard to the
18 significance of either the 303 or the 313
19 listing?

20 MR. GOODSTADT: Objection.

21 A. Can you please repeat --

22 Q. Yeah. Sure. I'll rephrase the
23 question. Do you have an understanding as
24 to what 303 or 313 meant with regard to your
25 application?

1 K. Lamm

2 A. That is your rank number.

3 Q. And what does that mean in
4 regard -- with regard to your application?

5 A. That I was 303 on the list of
6 band score.

7 Q. Would I be correct then in
8 understanding your answer to mean that at
9 least according to your understanding, they
10 had to -- Suffolk County had to offer 302
11 people the job first before they got to you?

12 A. That's not accurate.

13 Q. Okay. What aspect of my
14 statement was inaccurate?

15 A. That the score was band scored,
16 meaning that anybody that got the same grade
17 as me, also received the same list number as
18 me.

19 Q. Okay. So there could have been
20 more than one person with 303?

21 A. There could have been more than
22 one person with a 92 and a half or 303.

23 Q. So, theoretically, there could
24 have been more than 302 individuals who had
25 to be offered the job before it got to you;

1 K. Lamm

2 is that correct?

3 MR. GOODSTADT: Objection.

4 A. It could have been, but by the
5 time you get through process of elimination,
6 it could be less.

7 Q. Why could it be less?

8 A. 'Cause some people may not meet
9 the standards or fail out on another part of
10 it.

11 Q. Okay. Got it. But if I
12 understand, at least at the time that you
13 first received this document, theoretically,
14 there could have been more than 302 people
15 who could have been asked to take the job
16 before you?

17 MR. GOODSTADT: Objection.

18 A. Could have been or it could have
19 been less.

20 Q. Okay. Got it. Did your number
21 ever change, to your knowledge?

22 A. Not that I'm aware of.

23 Q. Okay. Now in 2004, did the
24 Suffolk County Police Department ever
25 communicate with you concerning your

1 K. Lamm

2 application?

3 A. The Suffolk -- not the Suffolk
4 County Police Department.

5 Q. That's my question.

6 A. Right.

7 Q. Did any other agency communicate
8 with you, in 2004, concerning your
9 application?

10 A. Suffolk County Civil Service
11 communicated before any department.

12 Q. Okay. And now I'm only talking
13 about in 2004. What communication did you
14 receive from the Suffolk County Civil
15 Service Department concerning the test that
16 you took in 2003?

17 A. If I was interested in any other
18 police jobs working for any other villages
19 or -- or towns.

20 Q. Okay. Well, in this
21 communication 2004, did they specifically
22 ask you any questions concerning your
23 interest in the Suffolk County Police
24 Department job?

25 A. No.

1 K. Lamm

2 Q. Okay. So my question is -- was
3 specific, sir. In 2004, did the Suffolk
4 County Civil Service Department communicate
5 with you concerning your interest in the
6 Suffolk County Police Department job?

7 A. No.

8 Q. Okay. Did any other agency, in
9 2004, communicate with you concerning your
10 interest in the Suffolk County Police
11 Department job?

12 A. Other agencies did send letters,
13 but it doesn't refer to Suffolk County
14 Police.

15 Q. That's what -- all I'm asking.
16 Then in 2005, did any entity or agency
17 contact you with regard to your interest in
18 the Suffolk County Police Department job?

19 A. No.

20 Q. Okay. In 2006 now, and
21 specifically before April 2, 2006, did any
22 entity contact you with regard to your
23 interest in the Suffolk County Police
24 Department job?

25 A. In 2006?

1 K. Lamm

2 Q. Yes. Prior to April 2, 2006?

3 A. Yes.

4 Q. Okay. Just don't tell me what,
5 just tell me who, what entity contacted you
6 before April 2, 2006?

7 A. Suffolk County Police Department.

8 Q. And what did they communicate to
9 you concerning your interest in the Suffolk
10 County Police Department job?

11 A. They wanted to know if I was
12 interested in a position.

13 Q. Okay. Was there any -- was this
14 communication in writing or verbal?

15 A. It was in writing.

16 Q. Okay. Was there anything else on
17 this written communication from the Suffolk
18 County Police Department, other than what
19 you've just testified to?

20 A. I don't believe so. Just how to
21 return the letter.

22 Q. Okay. And did you -- do you know
23 when this letter came to you?

24 A. For certain I don't.

25 Q. Do you know what month?

1 K. Lamm

2 A. Maybe the month of March.

3 Q. Okay. And did you return the
4 letter?

5 A. Yes, I did.

6 Q. Okay. And up until April 2,
7 2006, the only test that you took with
8 regard to the Suffolk County Police
9 Department job that you desired was this
10 written test in 2003; is that correct?

11 A. Define what you mean by "only
12 test."

13 Q. Well, I asked you specifically,
14 sir, what test did you take with regard to
15 this -- with regard to the Suffolk County
16 Police Department job, and you testified a
17 written test in 2003.

18 A. That was their test they gave.

19 Q. That's right. Did you undertake
20 any other test, between the written test in
21 2003 and the March letter from Suffolk
22 County Police Department, concerning your
23 interest in the Suffolk County Police
24 Department job?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 A. I took a Suffolk County Sheriff's
3 test.

4 Q. Okay. I'll withdraw the
5 question. I was unclear. Now I'm just
6 focusing on the Suffolk County Police
7 Department job. Between the written test
8 that you took in 2003 and March 2006, did
9 you take any other test specifically for the
10 Suffolk County Police Department job?

11 A. No.

12 Q. Okay. Subsequent to this March
13 2006 communication that you've just
14 addressed in response to one of my
15 questions, when was the next communication,
16 if any, that you received from the Suffolk
17 County Police Department concerning your
18 interest in a job with them?

19 A. I believe the next step was I
20 got -- I got a letter to appear for an
21 agility test.

22 Q. When did you get that letter?

23 A. Towards the end of March I
24 believe.

25 Q. Of 2006?

1 K. Lamm

2 A. That's correct.

3 Q. Okay.

4 A. Approximately.

5 RQ MR. NOVIKOFF: All right. And
6 again, Andrew, to the extent that this
7 hasn't been produced, and I'm not
8 suggesting it hasn't been, we call for
9 the production of all communications
10 from the Suffolk County Police
11 Department concerning his application.

12 MR. GOODSTADT: Take it under
13 advisement. Send us a letter
14 afterwards.

15 MR. NOVIKOFF: Absolutely.

16 Q. Did the Suffolk County Police
17 Department ask you to respond in any manner
18 to this communication in March concerning an
19 agility test?

20 A. Yes. I had to appear for an
21 agility test.

22 Q. Okay. And did you schedule a --
23 a date for this agility test?

24 A. They scheduled it.

25 Q. Okay. And when was this

1 K. Lamm

2 scheduled for?

3 A. April 7.

4 Q. April 7. And did you undertake
5 the agility test?

6 A. Yes, I did.

7 Q. Did you pass the agility test?

8 A. Yes, I did.

9 Q. Okay. What was the next
10 communication, if any, that you received
11 from the Suffolk County Police Department
12 concerning your interest in a job with them
13 after the communication concerning you
14 taking an agility test?

15 A. I believe it was for a
16 orientation.

17 Q. When you say you believe it was
18 for an orientation, what do you mean by
19 "orientation"?

20 A. Where we would have to go to the
21 police academy and they would explain to us
22 some specifics about the job and -- and
23 prepare for a background investigation.

24 Q. Okay. And when did you receive
25 this communication?

1 K. Lamm

2 A. It was I believe -- actually,
3 after we finished the agility test, we had
4 to, as we were leaving, we signed a piece of
5 paper as to what day or -- what day we were
6 to appear for orientation.

7 Q. Okay. And what day did you --
8 well, did you appear for orientation?

9 A. Yes, I did.

10 Q. And what day was that?

11 A. The exact day I -- I don't
12 remember.

13 Q. What month and year?

14 A. It was in 2006. The month --
15 I'm not certain of the month.

16 Q. What season?

17 A. I believe it was springtime.

18 Q. Okay.

19 A. Late spring.

20 Q. Late spring. So -- okay. And
21 when did you receive word that you passed
22 the agility test?

23 A. I knew right then and there.

24 Q. They advised you right then and
25 there that you passed the agility test?

1 K. Lamm

2 A. Yes.

3 Q. Okay. And how did they -- how
4 did the Suffolk County Police Department
5 advise you right then and there?

6 A. After you completed a battery of
7 tests, you would just go on to the next one.

8 Q. Okay. Did anyone advise you
9 verbally on that day that you passed the
10 agility test?

11 A. Yes.

12 Q. That's what I'm asking. Who?

13 A. The academy instructors.

14 Q. And do you know the academy
15 instructors' names?

16 A. No. I don't know who it was.

17 Q. Okay. So between the agility
18 test and the date that you appeared for the
19 orientation, did you receive any
20 communications from the Suffolk County
21 Police Department concerning your interest
22 in a job with them?

23 A. Not at that time.

24 Q. That's all I'm asking, was that
25 period of time. How long was the

1 K. Lamm
2 orientation session?

3 A. Few hours.

4 Q. Okay. And did you have to fill
5 out any forms during the -- the orientation
6 session?

7 A. Yes, I did.

8 Q. What forms did you have to fill
9 out?

10 A. Name, date of birth. Some basic
11 things like that. They gave us paperwork.

12 Q. Did you have to fill out any
13 paperwork concerning your prior employment
14 history with Ocean Beach?

15 A. Yes.

16 Q. And do you recall what questions
17 they asked you about your prior employment
18 history with Ocean Beach?

19 A. I believe they asked for how long
20 I worked there.

21 Q. Okay. Do you recall anything
22 else that they asked concerning your -- your
23 employment history with Ocean Beach?

24 A. If we -- they asked if we
25 currently still, you know, worked there.

1 K. Lamm

2 Q. And what answer did you give?

3 A. No.

4 Q. Okay. Did they ask a reason?

5 Well, withdrawn. Did they ask you to
6 explain the reason why you no longer worked
7 there?

8 A. Yes.

9 Q. And what was the reason that you
10 gave?

11 A. 'Cause I was fired for budget
12 cuts.

13 Q. Did you say "fired"? Did you use
14 the word "fired"?

15 A. I -- I believe I did.

16 Q. And did they ask you to give any
17 further detail, other than the explanation
18 that you were fired for budget reasons?

19 A. No.

20 Q. Okay. Did they ask you for any
21 recommendations or -- I'm sorry. Withdrawn.
22 Did they ask you for any references
23 concerning your job with the Ocean Beach
24 Police Department?

25 A. No.

1 K. Lamm

2 Q. Did you provide any references to
3 them on the date of this orientation
4 concerning your employment with the Ocean
5 Beach Police Department?

6 A. No.

7 Q. Okay. So we are now at the point
8 in time of the orientation. When was the
9 next communication, if any, that you
10 received from Suffolk County Police
11 Department concerning your interest in a job
12 with them?

13 A. After the paperwork was submitted
14 in, I think it was two weeks after that.

15 Q. Okay.

16 A. After -- the paperwork was due
17 two weeks after the date of orientation, and
18 maybe within another month I had to appear
19 for a medical.

20 Q. Okay. And did you appear for --
21 did you in fact appear for the medical?

22 A. Yes, I did.

23 Q. Okay. This communication about
24 you appearing for a medical, was that verbal
25 or was that written?

1 K. Lamm

2 A. That was written.

3 Q. Was there anything else on that
4 document that -- anything on that document
5 other than that you had to appear for a
6 medical?

7 MR. GOODSTADT: Objection.

8 A. No.

9 Q. Okay. And when did you appear
10 for this medical?

11 A. I guess towards the beginning of
12 the summer.

13 Q. Of 2006?

14 A. 2006.

15 Q. Did you ever -- were you ever
16 advised by the Suffolk County Police
17 Department that you passed whatever medical
18 test they gave you?

19 A. Yes, I did pass.

20 Q. And they advised you of this?

21 A. Yes, they did.

22 Q. When did they advise you of this?

23 A. Maybe a week and a half after.

24 Q. Okay. And did they advise you of
25 this in writing?

1 K. Lamm

2 A. Yes, they did.

3 Q. Okay. Now between the
4 orientation -- withdrawn. No. Between the
5 orientation and the date that you were
6 advised that you passed the medical test,
7 did you receive any other communications
8 from the Suffolk County Police Department,
9 other than what you've just testified to?

10 MR. GOODSTADT: Objection.

11 A. Yes.

12 Q. What did you receive?

13 A. I had to appear for a
14 psychological.

15 Q. Okay. Well, I assume when you
16 said "medical," that was both physical
17 and --

18 A. No.

19 Q. -- and mental. But that's fine.
20 What did they ask you with regard to you --
21 your requirement to appear for a
22 psychological test in this written
23 communication?

24 A. I had to appear for a written
25 psychological.

1 K. Lamm

2 Q. A written psychological test?

3 A. Yes.

4 Q. And did you appear for a written
5 psychological test?

6 A. Yes, I did.

7 Q. When did you do that?

8 A. I believe it was sometime in the
9 month of June of 2006.

10 Q. Okay. And did you ever receive
11 word from the Suffolk County Police
12 Department that you passed the written
13 psychological test?

14 A. There was two phases to that
15 test.

16 Q. Okay. Well -- well, describe the
17 two phases to the test, and then I'll be
18 able to ask you more pointed questions.

19 MR. GOODSTADT: Objection.

20 A. After the written test, you had
21 to be scheduled for an oral.

22 Q. Okay. So let's stick with the
23 written test. When did you take the written
24 test?

25 A. I believe it was sometime at the

1 K. Lamm
2 beginning of June 2006.

3 Q. Now did you ever receive word
4 from the Suffolk County Police Department
5 that you passed the written psychological
6 test?

7 A. They don't do it separated. They
8 do it altogether.

9 Q. Okay. When did you take the oral
10 psychological test?

11 A. I believe it was a week or two
12 weeks after the written.

13 Q. Okay. So we're still in either
14 the June 2006 or early July 2006 time
15 period, correct?

16 A. It would -- I would say June.

17 Q. Okay. That's fine. Did you ever
18 receive communication that -- from the
19 Suffolk County Police Department that you
20 failed either of those psychological tests
21 that you've just described?

22 A. Yes, I did.

23 Q. Okay. What were you -- what was
24 communicated to you?

25 A. A letter.

1 K. Lamm

2 Q. When did you receive this letter?

3 A. Approximately two days after I
4 appealed it, when I went in for an appeal.

5 MO Q. You just mentioned that you
6 appealed something. My question to you,
7 sir, is -- I'm going to move as
8 nonresponsive. You took a psychological
9 written test and oral psychological test,
10 correct?

11 A. Correct.

12 Q. And that was required by the
13 Suffolk County Police Department?

14 A. That is correct.

15 Q. And I believe you testified that
16 you took this in the June 2006 time period,
17 correct?

18 A. That's correct.

19 Q. Did there come a time that you
20 were advised by the Suffolk County Police
21 Department that you had failed either or
22 both of these tests?

23 A. Yes, there was.

24 Q. Okay. Give me the date in which
25 you were advised by the Suffolk County

1 K. Lamm

2 Police Department of your failure.

3 A. Suffolk County Police Department
4 didn't advise me. It's Suffolk County Civil
5 Service that advises me.

6 Q. Okay. So then your answer to me
7 would have been no, the Suffolk County
8 Police Department never advised me. So
9 that's fine. Let stick with the Suffolk --

10 A. I was just making it clear.

11 Q. I appreciate that. When did the
12 Suffolk County Civil Service Department
13 advise you that you had failed either or
14 both of the psychological tests that you've
15 just described?

16 A. Approximately within two days
17 after.

18 Q. Okay. So we're still in either
19 the June 2006 time period or early July 2006
20 time period, correct?

21 A. I would say June.

22 Q. And how did the Suffolk County
23 Police Department advise you of your
24 failure?

25 A. They didn't.

1 K. Lamm

2 Q. I'm sorry, withdrawn. How did
3 the Suffolk County Civil Service Department
4 advise you of your failure?

5 A. Letter.

6 Q. Okay. Do you have that letter
7 still in your possession?

8 A. The letter is with the attorneys.

9 RQ MR. NOVIKOFF: Okay. I call
10 for the production of this, and I'll
11 follow it up with a letter, of all
12 communications involving the Suffolk
13 County Police Department application,
14 to the extent it hasn't been produced,
15 and again, we'll search -- we'll search
16 to see if it has been.

17 MR. GOODSTADT: It's our
18 position that we have produced every
19 document that's responsive to discovery
20 requests that have been served in this
21 case. You said that you want to follow
22 up in writing, we'll be happy to take
23 it under advisement.

24 MR. NOVIKOFF: You got it.

25 Q. What tests or -- well, did you

1 K. Lamm

2 fail both tests?

3 A. It doesn't say.

4 Q. It just says you failed?

5 A. It just says not qualified.

6 Q. Okay. So the Suffolk County
7 Civil Service Department sent you a letter
8 within two weeks after your psychological
9 test indicating that you were not qualified;
10 is that correct?

11 A. Which test?

12 Q. The psychological test.

13 A. Which one?

14 Q. You said you took both.

15 A. Which one are you referring to?

16 Q. Sir, I'll withdraw the question
17 and I'll ask you this again. The Suffolk
18 County Civil Service Department sent you a
19 communication after you took both the verbal
20 and the written psychological test, correct?

21 A. Correct.

22 Q. And that was within a couple of
23 weeks of you taking both of those tests,
24 correct?

25 A. That's correct.

1 K. Lamm

2 Q. Okay. You understand me now?

3 A. Now I do.

4 Q. Did you graduate college?

5 A. No.

6 MR. GOODSTADT: Objection.

7 Q. How many -- how many years of
8 college did you have?

9 A. Don't have any college.

10 Q. You never spent a day in college?

11 A. Never spent a day in college.

12 Q. Did you graduate high school?

13 A. Yes.

14 Q. What high school did you
15 graduate?

16 A. West Islip.

17 Q. West Islip. Okay. Let's get
18 back to the Suffolk County Civil Service
19 Department communication to you. In this
20 letter, did they say anything else, other
21 than you were not qualified?

22 A. No.

23 Q. Okay. What did you do, if
24 anything, once you received this letter from
25 the Suffolk County Civil Service Department

1 K. Lamm

2 indicating that you were not qualified?

3 A. Well, as I told you, I did appeal
4 it and go for a re -- a re-test there.

5 Q. Okay. How did you know to appeal
6 it?

7 A. Well, actually, on one of the
8 letters asked if I would be interested in an
9 appeal, so I did.

10 Q. Okay. And what did you have to
11 do in order to appeal?

12 A. I had to just show up again.

13 Q. Okay. Did you contact -- well,
14 where did you have to show up?

15 A. Civil Service.

16 Q. Okay. Did you have to contact
17 the Civil Service Department in order to
18 schedule a time to appeal?

19 A. I sent a letter in that I would
20 appeal and they sent me the date back.

21 Q. Okay. And when was the date that
22 they sent back?

23 A. It was kind of quick. Within --
24 within maybe a week.

25 Q. Okay. And did you have to submit

1 K. Lamm

2 any type of documentation in order to
3 appeal?

4 A. I didn't have to.

5 Q. That's what -- that's what I'm
6 asking you. Did you have to?

7 A. I didn't have to.

8 Q. Okay. Did you?

9 A. No.

10 Q. Okay. And who did you see, if
11 anyone, on the date that you appeared for
12 your appeal?

13 MR. GOODSTADT: Objection.

14 A. I'm not positive of the
15 examiner's name, but I would believe it was
16 a Mr. Stone, and there was another man there
17 from Civil Service named Stanley Pelc.

18 Q. Okay. Had you ever met Mr. Pelc
19 before?

20 A. I've seen him before. Not
21 personally met him.

22 Q. Okay. Where did you see Mr. Pelc
23 before?

24 A. At other tests that I've taken
25 there.

1 K. Lamm

2 Q. Okay. And Mr. Stone, had you
3 ever met Mr. Stone before?

4 A. No.

5 Q. Okay. He was not the person
6 that -- that did the first test or tests of
7 you for your psychological, was he?

8 MR. GOODSTADT: Objection.

9 A. No, he wasn't.

10 Q. Okay. And when you say -- when
11 you met Mr. Pelc and Mr. Stone, what
12 occurred, if anything, during this meeting?

13 MR. GOODSTADT: Objection.

14 A. First thing I asked was that I
15 didn't realize I had to take another
16 psychological because I had already taken
17 one within a year's time.

18 Q. Who said this?

19 A. I did. I asked that.

20 Q. Okay. What specifically did you
21 ask of these gentlemen?

22 A. I asked them if -- if I did have
23 to take that psychological over because I
24 had one taken prior within a year's time.

25 Q. When did you take the prior

1 K. Lamm

2 psychological?

3 A. The end of June of 2005.

4 Q. For what purpose?

5 A. For a job where I currently am
6 now.

7 Q. Which job was that?

8 A. Airport security.

9 Q. Okay. Now did you, prior to you
10 meeting with these two gentlemen, ask anyone
11 at the Suffolk County Civil Service
12 Department as to why you were not qualified?

13 A. They wouldn't -- they don't
14 give --

15 Q. No. No. My question to you is,
16 did you ask?

17 A. Yes, I did.

18 Q. Okay. Who did you ask, again,
19 between the time that you were advised that
20 you were not qualified and the time that you
21 met with these two gentlemen, Mr. Stone and
22 Mr. Pelc?

23 MR. GOODSTADT: Objection.

24 A. Repeat it again, please.

25 Q. Sure. Between the time that you

1 K. Lamm

2 were advised that you were not qualified by
3 the Civil Service Department and the time
4 that you met with Mr. Stone and Mr. Pelc,
5 who did you ask why you were not qualified?

6 MR. GOODSTADT: Objection.

7 A. They were -- they were both there
8 in the room. I asked why I couldn't be
9 found -- why I wasn't qualified.

10 Q. Okay. Now my question, sir, is
11 before you went to this meeting with these
12 two gentlemen, did you ask anybody else at
13 the Suffolk County Civil Service Department
14 why you were not qualified?

15 A. No.

16 Q. Did you ask anyone else at
17 Suffolk County Police Department why you
18 were not qualified?

19 A. No, I did not.

20 Q. Okay. So when you fir -- when
21 you went into this room --

22 A. Excuse me.

23 Q. Sure.

24 A. I just want to get a drink of
25 water.

1 K. Lamm

2 Q. Sure. Absolutely.

3 A. Thank you. Excuse me.

4 Q. You -- did you ask these two
5 gentlemen when you met with them, why you
6 were found not to be qualified?

7 A. Yes, I did ask.

8 Q. Okay. And when in -- in relation
9 to the beginning of this meeting did you ask
10 these two gentlemen that question?

11 MR. GOODSTADT: Objection.

12 A. Somewhere towards the beginning,
13 middle.

14 Q. Okay. And did they respond to
15 your question?

16 A. They just said after, you know,
17 we review this, you'll get your answer.

18 Q. When they said they review this,
19 do you -- do you know what they were
20 referring to?

21 A. I believe it was after the
22 interview.

23 Q. Okay. So they didn't tell you
24 why you were initially found not to be
25 qualified when you asked them that question?

1 K. Lamm

2 A. No, they didn't.

3 Q. Okay. Now what, if anything,
4 did -- did -- well, did you have to take any
5 tests during this meeting with these two
6 gentlemen?

7 A. They just asked me a few
8 questions, and they're basically the same
9 thing they did when I first went.

10 Q. How long was this meeting with --
11 with these two gentlemen?

12 A. Not very long.

13 Q. 10 minutes?

14 A. Maybe 15.

15 Q. Okay. And -- and your first
16 psychological test, the written test, how
17 long was that?

18 A. Several hours.

19 Q. And the verbal part of the
20 psychological, how long was that?

21 A. The first time?

22 Q. Yeah.

23 A. Maybe 20 minutes.

24 Q. Now did you ask these two
25 gentlemen any other questions during this

1 K. Lamm

2 meeting, other than the question as to why
3 you were not qualified?

4 MR. GOODSTADT: Objection.

5 He's already testified to another
6 question he asked as well.

7 MR. NOVIKOFF: Okay. Then
8 fine.

9 Q. You -- I recall you saying that
10 you weren't -- you asked a question as to
11 why you were not qualified. What other
12 questions did you ask of these gentlemen?

13 MR. GOODSTADT: In addition to
14 what he's already testified to?

15 MR. NOVIKOFF: I don't recall
16 what he testified to, so I don't want
17 to put words in his mouth or
18 mischaracterize his testimony.

19 Q. So, therefore, I'm asking you --

20 MR. GOODSTADT: That's a
21 change. A change for the better now.

22 MR. NOVIKOFF: Oh, thank you so
23 much.

24 Q. I recall that you just testified
25 that you asked these gentlemen why you were

1 K. Lamm

2 not qualified. What other questions did you
3 ask of these two gentlemen?

4 A. I asked how can I not be found
5 qualified when I have already held a
6 position as police officer.

7 Q. Okay. Did they respond to that
8 question?

9 A. Basically just with a shrug of
10 the shoulders.

11 Q. Okay. And any other questions --
12 well, withdrawn. Did you ask them any other
13 questions, other than the two that you've
14 testified to this morning?

15 MR. GOODSTADT: He's testified
16 to three now, but --

17 MR. NOVIKOFF: Three questions?

18 Q. Well, what was the third
19 question? We have the one as to why you
20 were not qualified. The next question that
21 I recall you testifying to was how could you
22 be found not to be qualified because you --
23 you passed a prior test. What was the third
24 question that you asked them?

25 A. I just said that I've already

1 K. Lamm

2 taken the test within the prior year.

3 Q. Okay. Other than what you've
4 testified to, can you recall any other
5 questions that you asked of these gentlemen?

6 A. Not that I can recall at this
7 time.

8 Q. Okay. Well, is there anything in
9 your custody, possession or control that
10 would refresh your recollection?

11 A. I don't think so.

12 Q. Okay. Did you ever -- well, what
13 was the next communication that you received
14 from the Suffolk County Civil Service
15 Department concerning your appeal, to the
16 extent you received any additional
17 communication?

18 MR. GOODSTADT: Objection.

19 A. Just a letter.

20 Q. When did this letter come to you?

21 A. Just saying that, you know, I was
22 found not qualified.

23 Q. I'm not asking you what the
24 letter was. When did the letter come to
25 you?

1 K. Lamm

2 A. Maybe two days after.

3 Q. Okay. And it came from the
4 Suffolk County Civil Service Department?

5 A. Yes, it did.

6 Q. And what did this letter say?

7 A. Not qualified.

8 Q. Okay. And did you ever inquire
9 as to why this determination was made as
10 reflected in this -- this most recent
11 communication?

12 A. That was it.

13 Q. Okay. Have you had any
14 additional communication with the Suffolk
15 County Civil Service Department concerning
16 your interest in the Suffolk County Police
17 Department position after receipt of the
18 letter that you just testified to?

19 A. Just that I had to appear for a
20 background investigation.

21 Q. When did you receive
22 communication that you had to appear for a
23 background investigation?

24 A. Somewhere around the same time as
25 the psychological, approximately.

1 K. Lamm

2 Q. Did you ever appear for a
3 background investigation?

4 A. Yes, I did.

5 Q. Did you appear for this
6 background investigation prior to the first
7 communication that -- wherein you were
8 advised that you were not qualified?

9 A. I believe it was before that.
10 I -- I believe it was before that.

11 Q. So you believe you -- you
12 appeared before -- for a background
13 investigation before you first learned that
14 you were not qualified?

15 A. Yes. I believe so.

16 Q. Okay. And did you receive any
17 communication from the Suffolk County Police
18 Department concerning the background
19 investigation that they undertook?

20 A. No, I didn't.

21 Q. Did you receive any communication
22 from the Suffolk County Civil Service with
23 regard to the background investigation that
24 they undertook?

25 A. No, I didn't.

1 K. Lamm

2 Q. Okay. Now my question is
3 specifically, sir, you've received now,
4 after your appeal, a communication from the
5 Suffolk County Civil Service Department
6 saying that, once again, you were not
7 qualified, correct?

8 A. Correct.

9 Q. After receipt of that document,
10 did you receive any other communication from
11 the Suffolk County Civil Service Department
12 concerning your interest in the Suffolk
13 County Police Department job?

14 A. No.

15 Q. After receipt of the Suffolk
16 County Civil Service Department letter
17 indicating for a second time that you were
18 not qualified, did you receive any
19 communication from the Suffolk County Police
20 Department concerning your interest in a
21 position with them?

22 A. No.

23 Q. After receipt of the second
24 letter, did you receive any communication
25 from any source concerning your interest in

1 K. Lamm

2 the Suffolk County Police Department job?

3 A. No.

4 Q. Okay. Were you represented by
5 counsel, Mr. Goodstadt's office, at the time
6 that you received the second communication
7 concerning the Civil Service Department's
8 determination that you were not qualified?

9 MR. GOODSTADT: Objection.

10 A. Was I represented by?

11 Q. Mr. Goodstadt's law firm.

12 A. For the appeal?

13 Q. No. No. No. Had you retained
14 Mr. Goodstadt's law firm for any purpose,
15 and I don't want to know the purpose, but
16 for any purpose at the time that you
17 received word from the Suffolk County Civil
18 Service Department for the second time that
19 you were not qualified?

20 A. No.

21 Q. Okay. Had you filed a Notice of
22 Claim against the village prior to the time
23 that you received communication from the
24 Suffolk County Civil Service Department that
25 you were not qualified for the second time?

1 K. Lamm

2 A. No.

3 Q. How did Mr. Hesse interfere with
4 your application with the Suffolk County
5 Police Department after April 2, 2006?

6 A. I was told by Chris Moran that
7 George Hesse wrote up an unfavorable
8 recommendation about me to the Suffolk
9 County applicant investigation unit.

10 Q. Okay. And who is Chris Moran?

11 A. He works at Ocean Beach.

12 Q. And did Chris Moran advise you as
13 to how he learned of this?

14 A. George Hesse told him.

15 Q. And did Mr. Moran tell you this
16 in a phone conversation?

17 A. Yes, he did.

18 Q. Did Mr. Moran tell you this in a
19 phone conversation in which he was being
20 tape recorded by you?

21 A. Yes, he did.

22 Q. Did you advise Mr. Moran during
23 this telephone conversation that you were
24 recording him?

25 A. No, I didn't.

1 K. Lamm

2 Q. Did you tape record phone
3 conversations with Mr. Moran after April 2,
4 2006, other than the one that you've just
5 testified to?

6 A. Yes.

7 Q. In any of these phone
8 conversations, did you ever advise Mr. Moran
9 that he was being tape recorded?

10 A. No.

11 Q. Did you engage in any other phone
12 conversations with any other individuals in
13 which you tape recorded the conversations?

14 MR. GOODSTADT: Objection.

15 You're talking about ever?

16 MR. NOVIKOFF: I'm sorry.

17 Subsequent to -- well, I may adopt your
18 question. The answer may be
19 interesting.

20 Q. Did -- after April 2, 2006, did
21 you ever tape record a phone conversation
22 with any person, other than Chris Moran?

23 A. I believe there might have --
24 might have been just one.

25 Q. And who would that be?

1 K. Lamm

2 A. John Oley.

3 Q. And who is John Oley?

4 A. He works at Ocean Beach.

5 Q. And when would -- if -- when
6 would you have had this conversation with
7 Mr. Oley?

8 A. Specifically, I can't give you
9 specific time.

10 Q. Okay. And what time period would
11 you have had these conversations with --
12 well, withdrawn. The conversation in which
13 you testified that Mr. Moran told you that
14 George Hesse had sent an unfavorable
15 reference to the Suffolk County Department,
16 when did this phone conversation take place?

17 MR. GOODSTADT: Objection.

18 A. Specifically, I don't know the
19 exact time.

20 Q. Did -- other than Mr. Moran's
21 statement to you, do you have any other
22 knowledge from whatever source, that
23 Mr. Hesse intentionally and maliciously
24 interfered with your application for the
25 Suffolk County Police Department?

1 K. Lamm

2 A. No.

3 Q. Have you ever seen the alleged
4 unfavorable reference that Mr. Hesse,
5 according to Mr. Moran, submitted to the
6 Suffolk County Police Department?

7 A. No.

8 Q. Have you ever sought to look --
9 withdrawn. Have you ever sought to look for
10 this document?

11 A. No.

12 Q. Have you ever filed a FOIL
13 request?

14 MR. GOODSTADT: Objection.

15 Q. Do you know what a FOIL request
16 is?

17 A. Yes, I do.

18 Q. What is your understanding of a
19 FOIL request?

20 A. No, I did not.

21 Q. What is your understanding of a
22 FOIL request, sir?

23 A. Freedom of information.

24 Q. Did you ever file a FOIL request?

25 A. No.

1 K. Lamm

2 Q. Are you aware of anybody acting
3 on your behalf who has communicated with the
4 Suffolk County Police Department looking
5 into finding this unfavorable recommendation
6 by George Hesse?

7 MR. GOODSTADT: Objection. To
8 the extent that --

9 MR. NOVIKOFF: Other -- other
10 than counsel. Exactly. Other than
11 counsel.

12 A. Not that I'm aware of.

13 Q. Okay. Did Mr. Moran ever tell
14 you what specifically George Hesse said in
15 this unfavorable recommendation?

16 A. I don't believe so.

17 Q. Did you ever inquire with
18 Mr. Moran as to what specifically Mr. Hesse
19 said to you -- said about you in this
20 allegedly unfavorable reference?

21 A. Yes, I did ask.

22 Q. And what did Mr. Moran say to you
23 in response to your question to him?

24 A. He doesn't know exactly what was
25 written.

1 K. Lamm

2 Q. Okay. Did Mr. Moran ever advise
3 you that he saw this unfavorable reference?

4 A. He didn't -- he saw the letter
5 that was sent to the department to George
6 Hesse, but not what was written on it.

7 Q. What letter did Mr. Moran see?

8 A. A letter from the police
9 department about asking, you know, about me
10 about verifying that I worked there.

11 Q. Did Mr. Moran describe for you
12 what was in this letter, other than what
13 you've just testified to?

14 A. No.

15 Q. Did Mr. Moran advise you that
16 George Hesse told him specifically what
17 unfavorable information he provided to the
18 Suffolk County Police Department in response
19 to this written request?

20 MR. CONNOLLY: Objection.

21 A. No, he didn't.

22 MR. GOODSTADT: It was probably
23 the double hearsay.

24 MR. NOVIKOFF: I'm sure it is.
25 That's what I'm trying to establish.

1 K. Lamm

2 MR. GOODSTADT: It's not -- not
3 a basis to object at a deposition.

4 MR. NOVIKOFF: We'll see.

5 Q. Did you ever inquire with George
6 Hesse, after receipt of this communication
7 from Mr. Moran, as to what, if anything, he
8 told the Suffolk County Police Department?

9 A. No.

10 Q. Have you ever spoken with
11 Mr. Hesse after April 2, 2006?

12 A. No.

13 Q. Did you ever register a complaint
14 to the Ocean Beach Police Department
15 concerning what Mr. Moran allegedly told
16 you?

17 A. No.

18 Q. Did you ever register a complaint
19 to any board of trustee member concerning
20 what Mr. Moran allegedly told you?

21 A. No.

22 Q. Did you ever register a complaint
23 to any mayor of Ocean Beach concerning what
24 Mr. Moran told you?

25 A. No.

1 K. Lamm

2 MR. GOODSTADT: Just so we're
3 clear, you're talking about whether he
4 did?

5 MR. NOVIKOFF: Whether he did,
6 yeah.

7 MR. GOODSTADT: Or whether we
8 did?

9 MR. NOVIKOFF: Whether he did.

10 MR. GOODSTADT: Okay.

11 Q. Well, then let me ask you the
12 question. Are you aware of, other than what
13 is set forth perhaps in this Complaint --

14 MR. GOODSTADT: Or the Notice
15 of Claim.

16 MR. NOVIKOFF: Or the Notice of
17 Claim.

18 MR. GOODSTADT: That's a
19 different story.

20 Q. Right. Other than a filing,
21 whether it was the Notice of Claim or the
22 federal Complaint, are you aware of anyone
23 on your behalf sending a communication to
24 either the mayor or the board of trustees or
25 the police department concerning what

1 K. Lamm

2 Mr. Moran said to you?

3 A. Not to my knowledge.

4 Q. Okay. As you sit here today, do
5 you have any knowledge whatsoever as to why
6 the Suffolk County Civil Service Department
7 found you, on two occasions, to be
8 unqualified for the position with the
9 Suffolk County Police Department?

10 A. No.

11 Q. Okay. Let's talk about the test
12 for the Suffolk County Sheriff's position
13 that I believe you said you took.

14 A. Yes.

15 Q. How many tests have you taken
16 with regard to your interest in working for
17 the Suffolk County Sheriff's Department?

18 A. Overall?

19 Q. Yes.

20 A. I believe just two.

21 Q. Okay. And what are these two?

22 A. Written tests for an entry
23 position.

24 Q. Entry position for what?

25 A. Sheriff.

1 K. Lamm

2 Q. Okay. When did you take this
3 written test?

4 A. Somewhere around shortly after
5 the Suffolk Police test. Maybe 2004.

6 Q. Okay. Did you take any other
7 tests with regard to your interest in a
8 position with the Suffolk County Sheriff's
9 Department?

10 A. No.

11 Q. Okay. So did you take one
12 written test or two written tests?

13 A. Well, there were two written
14 tests, but there was another one many years
15 before that.

16 Q. Okay. Well, let's go back to the
17 one that was many years before that. When
18 did you take your first test for a position
19 with the Suffolk County Sheriff's
20 Department?

21 A. Maybe four years before that.

22 Q. So we're talking about 2000?

23 A. Approximately.

24 Q. And for what position was this
25 test given to you for?

1 K. Lamm

2 A. Entry level deputy.

3 Q. Deputy. Okay. And describe the
4 test for me that was given to you in 2000.

5 A. It's the same as it was with the
6 Suffolk Police Department test that I
7 described previously.

8 Q. Okay. They gave you a series of
9 questions for you to answer?

10 A. Yes.

11 Q. Do you recall how many questions?

12 A. No.

13 Q. Okay. Did you pass that written
14 test?

15 A. I believe so.

16 Q. And now, again, we're talking
17 about the test in 2000, you believe you
18 passed that written test?

19 A. I believe so.

20 Q. Upon your passing that written
21 test, what, if anything, did you do next
22 with regard to your interest in seeking a
23 position with the Suffolk County Sheriff's
24 Department?

25 A. Nothing.

1 K. Lamm

2 Q. Why not?

3 A. Because you got to wait for your
4 list number to come up. It never came up.

5 Q. When you say you had to wait for
6 your list number to come up, what do you
7 mean?

8 A. They go by -- they give you a
9 list of ranking.

10 Q. Okay. And did you ever get a
11 ranking as a result of the test that you
12 took in 2000?

13 A. Yes. But I wasn't reachable.

14 Q. When you say you weren't
15 reachable, what do you mean by "reachable"?

16 A. 'Cause they only hire allotted
17 few.

18 Q. Okay. Fine. What was your test
19 ranking as a result of the 2000 test that
20 you took for the Suffolk County Sheriff's
21 Department?

22 A. I don't recall.

23 Q. Was it above 100?

24 A. I don't believe it was.

25 Q. Was it above 50?

1 K. Lamm

2 A. No. I don't believe it was.

3 Q. Was it above 10?

4 A. If it was, then I would have
5 received a letter if I wanted the job.

6 Q. I'm sorry, say that again?

7 A. If it was above 10, I would have
8 received a letter if I was interested in the
9 job.

10 Q. What do you mean by that?

11 A. I wasn't reachable.

12 Q. No. I understand that. Is it
13 your -- and explain to me, because I'm --
14 I'm not familiar with this, if you're giving
15 a ranking of number one, did you have an
16 understanding that that meant that you were
17 the first person that they would call upon
18 to see if you --

19 A. That's correct.

20 MR. GOODSTADT: Let him just
21 finish the question.

22 Q. To call upon to see if you still
23 wanted to take the job?

24 A. Right.

25 Q. That's correct. So my question

1 K. Lamm

2 to you -- okay. I got it. So it's your --
3 correct me if I'm wrong, it's your testimony
4 that your number was of such a nature that
5 you weren't reachable in terms of them
6 offering you a job?

7 A. Right.

8 Q. Okay. And did this test expire
9 -- I'm sorry, did the ranking as a result of
10 this test expire at any particular point in
11 time, to your knowledge?

12 A. Yes, it does.

13 Q. When does it expire?

14 A. After three or four years or
15 whenever they decide to give a test.

16 Q. Okay. And is that the reason why
17 you took the test a second time, that your
18 initial ranking expired?

19 A. No. I took it because I wanted
20 to take it.

21 Q. Okay. Did you pass the second
22 test?

23 A. Yes.

24 Q. And what was your ranking?

25 A. I believe it was 800 something.

1 K. Lamm

2 Q. Okay. That's a very high
3 ranking, to your knowledge?

4 MR. GOODSTADT: Objection.

5 A. Ranking is ranking.

6 Q. Okay. That's a fair answer.
7 Between the first test and the second test,
8 had you received any communications from the
9 Sheriff's Department with regard to your
10 interest in a job with them?

11 A. Just that I had passed the test
12 and they gave me a ranking.

13 Q. Okay. Did you receive any
14 communication from the Suffolk County Civil
15 Service Department, between the first test
16 and the second test for the Sheriff's
17 Department, concerning your interest in the
18 job?

19 MR. GOODSTADT: Objection.

20 A. No.

21 Q. Okay. Did you receive any
22 communication from any other governmental
23 agency, between the first test and the
24 second test, concerning your interest in the
25 Suffolk County Sheriff's job?

1 K. Lamm

2 A. No.

3 Q. Okay. So now let's look at the
4 2004 test. How long after the 2004 test did
5 you receive your ranking?

6 A. After six months I believe.

7 Q. Okay. And what was the next
8 communication, if any, that you received
9 from the Suffolk County -- I'm sorry, the
10 Suffolk County Sheriff's Department
11 concerning your interest in a job with them
12 after the 2004 test?

13 A. They just gave me my grade and my
14 list number.

15 Q. What was your grade?

16 A. 88 percent.

17 Q. Okay. So you were 88 percent
18 with a ranking in the 800s; is that correct?

19 A. That's correct.

20 Q. Okay. What communication, if
21 any, did you receive from the Suffolk County
22 Civil Service Department with regard to your
23 interest in the Sheriff's Department job
24 after your 2004 test?

25 A. There wasn't any.

1 K. Lamm

2 Q. What communication, if any, did
3 you receive from any other governmental
4 entity after the 2004 test, concerning your
5 interest in a Suffolk County Sheriff's job?

6 A. There wasn't any.

7 Q. Okay. Have you done anything to
8 follow up with the Suffolk -- with the
9 Suffolk County Sheriff's Department
10 concerning your interest in a position with
11 them?

12 A. No.

13 Q. Are you aware if your ranking has
14 expired?

15 A. Yes.

16 Q. When did your ranking with the --
17 with the Suffolk County Sheriff's Department
18 expire?

19 A. When they gave the next test.

20 Q. When was that?

21 A. Couple months ago.

22 Q. Did you take that test?

23 A. No.

24 Q. Did anyone from the Suffolk
25 County Sheriff's Department ever advise you

1 K. Lamm

2 that George Hesse had communicated with them
3 with regard to any of your applications for
4 employment with them?

5 A. Did any -- say again.

6 Q. Did anyone from the Suffolk
7 County Sheriff's Department ever advise you
8 that George Hesse had communicated with them
9 concerning any of your applications for
10 employment with them?

11 A. No.

12 Q. Did anyone from the Suffolk
13 County -- from the Suffolk County Civil
14 Service Department ever advise you that
15 George Hesse had communicated with the
16 Sheriff's Department concerning your
17 application with them?

18 A. No.

19 Q. Did Chris Moran ever tell you
20 that George Hesse sent an unfavorable
21 reference to the Suffolk County Sheriff's
22 Department concerning your application?

23 A. No.

24 Q. Did George Moran ever tell
25 you that -- I'm sorry. Yes. Withdrawn.

1 K. Lamm

2 Did Chris Moran ever tell you that George
3 Hesse ever sent an unfavorable reference to
4 the Suffolk County Civil Service Department
5 concerning your interest in the Sheriff's
6 Department job?

7 A. No.

8 MR. NOVIKOFF: Okay. The tape
9 is about to end. So let's change the
10 tape and continue.

11 THE VIDEOGRAPHER: This ends
12 tape number one. The time is 11:02
13 a.m. Going off the record.

14 (A break was taken.)

15 THE VIDEOGRAPHER: This begins
16 tape number two. The time is 11:18
17 a.m. Back on the record.

18 Q. Okay. Sir, you also mentioned
19 that you applied for the -- a position with
20 Southampton Town Police; is that correct?

21 A. Yes.

22 Q. When did you first make an
23 application for a position with the
24 Southampton Town Police?

25 A. I believe somewhere maybe late

1 K. Lamm

2 2004, 2005.

3 Q. And how did you go about making
4 that application?

5 A. I received a canvas letter.

6 Q. Okay. And who did you receive a
7 canvas letter from?

8 A. It was from Civil Service.

9 Q. Okay. And -- and what
10 specifically did this canvas letter say?

11 A. It had a -- place a checkmark if
12 you're interested in a position with
13 certain, you know, police departments that
14 were listed, and the ones that, you know, I
15 listed previously to you were on that list.

16 Q. Okay. So in this letter, you
17 checked off the Southampton Town Police
18 Department, the Southampton Village Police
19 Department, the Huntington Bay Police
20 Department --

21 A. That was a separate letter.

22 Q. Okay.

23 A. The east end towns were one
24 letter.

25 Q. Okay. So let's -- let's stick

1 K. Lamm

2 with this letter then, the canvas letter
3 that you say you received.

4 A. Yes.

5 Q. You checked off the Southampton
6 Police Department, the Southampton Village
7 Police Department?

8 A. Yes.

9 Q. And what other east end police
10 departments did you check off in this
11 letter?

12 A. That may have been it. There
13 could have been another one, but I
14 believe -- I believe that was just the two.

15 Q. Okay. So let's stick now with
16 the Southampton Town Police department.
17 After you checked off that box in this
18 canvas letter, did you send it back to the
19 Civil Service Department?

20 A. Yes, I did.

21 Q. Okay. And what was the next
22 communication, if any, that you received
23 from any entity concerning your interest in
24 a position with the Southampton Town Police
25 Department?

1 K. Lamm

2 A. Southampton Village. They
3 sent --

4 Q. No. No. My question now -- I'm
5 breaking it down. You've -- you've told me
6 that you checked off at least two boxes, one
7 for Southampton Town and one for Southampton
8 Village, correct?

9 A. Yes.

10 Q. So my question now is
11 specifically to the Southampton Town Police
12 Department.

13 A. Okay.

14 Q. After you checked off that box
15 and you sent this canvas letter back to the
16 Civil Service Department, what was the next
17 communication, if any, that you received
18 from the Southampton -- I'm sorry. What
19 was -- withdrawn. What was the next
20 communication, if any, that you received
21 from any governmental entity concerning your
22 interest in the Southampton Town Police
23 Department position?

24 A. There was a letter sent back
25 stating the requirements of residency that

1 K. Lamm

2 you would need.

3 Q. Who sent you back this letter?

4 A. It was Civil Service.

5 Q. Suffolk County Civil Service?

6 A. Yes.

7 Q. And when you say a letter was
8 sent back concerning the requirements of
9 residency, what -- what was stated in this
10 letter concerning that?

11 A. Wanted to know if I lived there.

12 Q. In -- in the town of Southampton?

13 A. That's right.

14 Q. And did you learn -- did you
15 live in the town of Southampton at that
16 time?

17 A. No.

18 Q. Have you ever lived in the town
19 of Southampton?

20 A. No.

21 Q. And what was your understanding
22 as to why they were asking you this
23 question?

24 A. Because they have a residency
25 list that they use first.

1 K. Lamm

2 Q. Okay. So if I understand
3 correctly, Southampton Town Police
4 Department will -- will seek applicants
5 first from those who live in the town, and
6 then if they exhaust that list, they will go
7 outside the town?

8 A. Correct.

9 Q. Okay. What was the next
10 communication, if any, that you received --
11 well, did you -- did you respond to this
12 letter from the Civil Service Department
13 concerning the residency issue?

14 A. Yes.

15 Q. And -- and you advised them that
16 you were not a resident?

17 A. That's right.

18 Q. And when did you receive this
19 letter from them?

20 A. Shortly after -- shortly after
21 they sent me a canvas.

22 Q. Which is we're still in the 2004
23 time period?

24 A. Maybe 2005.

25 Q. Okay. And what was the next

1 K. Lamm

2 communication, if any, that you received
3 from any governmental entity concerning your
4 interest in the Southampton Town Police
5 Department job?

6 A. I believe that was it.

7 Q. Okay. To your knowledge, has
8 George Hesse sent any communication to the
9 Southampton Town Police Department regarding
10 you since your checking off the box as
11 interested in a position with them?

12 A. I don't know if he did or not.

13 Q. That's my question. Do you have
14 any knowledge?

15 A. Again, I don't know if -- I
16 don't know.

17 Q. Well, let me ask -- let me
18 rephrase the question, sir. Do you have any
19 knowledge as to whether or not George Hesse
20 ever communicated with the Southampton Town
21 Police Department concerning your interest
22 in a job with that department?

23 A. No, I don't.

24 Q. Okay. Now let's go to the
25 Southampton Village Police Department.

1 K. Lamm

2 Subsequent to your checking off the box
3 concerning your interest in the Southampton
4 Village Police Department, what was the next
5 communication, if any, that you received
6 from any governmental entity concerning your
7 interest in that position?

8 A. I believe it was 2006 they sent
9 me a letter.

10 Q. Okay. When in 2006?

11 A. Around the summer.

12 Q. So this would have been after you
13 were not rehired for the position with the
14 Ocean Beach Police Department?

15 MR. GOODSTADT: Objection. Are
16 we going to agree to --

17 MR. NOVIKOFF: Yes.

18 MR. GOODSTADT: -- terms?

19 MR. NOVIKOFF: Just so we're
20 all clear, we take the position that --
21 that Mr. Lamm and the other Plaintiffs
22 were not rehired. The Plaintiffs,
23 through Mr. Goodstadt, take the
24 position that they were terminated. To
25 the extent my question refers to

1 K. Lamm

2 termination or not rehire, no answer
3 here is waiving the respective
4 positions of the parties.

5 MR. GOODSTADT: Why don't we
6 stay with "the employment ended."

7 MR. NOVIKOFF: Okay. Fine.
8 Just read to me what my question was.

9 (The requested portion was read.)

10 Q. So this would have been after the
11 time that your employment relationship ended
12 with Ocean Beach?

13 A. Correct.

14 Q. Okay. What did the letter from
15 the Southampton Village Police Department
16 state, to the best of your recollection?

17 A. It stated that they were looking,
18 you know, for appli -- applicants that were
19 interested in the position.

20 Q. Okay. And did you respond to
21 that letter?

22 A. Yes, I did.

23 Q. And how did you respond to that
24 letter?

25 A. That I was interested.

1 K. Lamm

2 Q. Okay. How did you advise them
3 that you were interested?

4 A. Check off box.

5 Q. Okay. And you sent that -- that
6 document back to the Southampton Village
7 Police Department?

8 A. Yes.

9 Q. Indicating that you were
10 interested?

11 A. Yes.

12 Q. What was the next communication,
13 if any, that you had with the Southampton
14 Village Police Department concerning your
15 interest in a position with them?

16 A. They sent me a package that I had
17 to fill out with papers, you know,
18 background, previous employment.

19 Q. Okay. And did you fill those
20 papers out?

21 A. I started to. And along with
22 those papers was an interview date.

23 Q. My question is, did you fill out
24 all those documents?

25 A. I started to fill out all those

1 K. Lamm

2 documents, but --

3 Q. Then my question to you, sir, is
4 did you complete filling out all the
5 documents that the Southampton Village
6 Police Department sent you?

7 A. No.

8 Q. Okay. What documents that you
9 received from the Southampton Village Police
10 Department did you not complete?

11 A. I don't know exactly what I did
12 not complete.

13 Q. Okay. Did you send any of the
14 documents that you received from the
15 Southampton Village Police Department, as
16 you've just testified to, back to the
17 village?

18 A. No.

19 Q. What was the next communication,
20 if any, that you received from the
21 Southampton Village Police Department?

22 A. I didn't receive any.

23 Q. So the last -- if I understand,
24 the last communication that you received
25 from the Southampton Village Police

1 K. Lamm

2 Department was this package of materials
3 that they had asked you to fill out?

4 A. Right. But I couldn't show for
5 the interview, so I had to call and cancel.

6 MO MR. NOVIKOFF: Hold on. Motion
7 to strike.

8 Q. My question, sir, is the last
9 communication -- well, was the last
10 communication that you had with the
11 Southampton Village Police Department, the
12 package of materials that they had sent to
13 you?

14 A. Yes, it was.

15 Q. Okay.

16 MR. GOODSTADT: You're talking
17 about written communication or oral
18 communication?

19 MR. NOVIKOFF: Any
20 communication. And I'm going to
21 clarify his answer, because I think in
22 a prior answer he had mentioned that he
23 had called them, so.

24 Q. I'm referring to written
25 communication. Was the package of materials

1 K. Lamm

2 that you received from the Southampton
3 Village Police Department, the last written
4 communication that you received from them?

5 A. Yes, it was.

6 Q. Okay. Now subsequent to the
7 receipt of these document -- of this
8 documentation, did you have any verbal
9 communication with anyone associated with
10 the Southampton Village Police Department?

11 A. No.

12 Q. Okay. Did the Southampton
13 Village Police Department, in this package
14 of materials, request that you schedule an
15 interview?

16 A. Yes.

17 Q. Did you schedule an interview
18 with the Southampton Village Police
19 Department?

20 A. The interview date and time was
21 already scheduled in the package.

22 Q. Okay. And what was the interview
23 date and time that was already scheduled in
24 the package?

25 A. It was in July of 2006.

1 K. Lamm

2 Q. Okay. And from -- I believe from
3 your testimony you did not appear on that
4 date, did you?

5 A. That's correct.

6 Q. And did you advise anyone at the
7 Southampton Village Police Department that
8 you were not going to appear on that date
9 and time for the scheduled interview?

10 A. Yes. I called --

11 Q. No. My question is just yes or
12 no, sir.

13 A. Yes, I did.

14 Q. And who did you -- how did you
15 communicate the fact that you were not going
16 to appear on that date and time?

17 A. Telephone.

18 Q. Who did you call?

19 A. Chief.

20 Q. Chief who?

21 A. I don't remember the name.

22 Q. How do you know -- how did you
23 know to call the chief?

24 A. There was a telephone number
25 there.

1 K. Lamm

2 Q. Okay. And did you speak with the
3 chief?

4 A. No.

5 Q. Did you leave a voicemail message
6 with the chief?

7 A. Yes, I did.

8 Q. What specifically did you say to
9 the chief in this voicemail message?

10 A. That I would not be able to
11 appear for the interview date.

12 Q. And did you give him a reason --
13 and I assume it's a him -- did you give him
14 a reason in this telephone voicemail message
15 that you left?

16 A. Yes.

17 Q. What was the reason that you gave
18 the chief?

19 A. Because I had received a letter
20 from Suffolk County Civil Service stating
21 that I was not qualified after the
22 psychological, therefore, that eliminated me
23 from seeking out any future further
24 employment with any police agency.

25 Q. And how did you know this to be

1 K. Lamm

2 the case?

3 A. Because once when you are found
4 not qualified, you can't accept a police
5 position until you take another test and
6 time passes by.

7 Q. Okay. I -- I understand that
8 that's your understanding. My question to
9 you is, where did you get this understanding
10 from? Did you read it in a statute? Did
11 you read it in a book? Where did you get
12 this understanding that you just testified
13 to concerning your disqualification for any
14 other law enforcement job as a result of
15 your failure to be qualified according to
16 Civil Service?

17 A. When I went for my interview.
18 The appeal.

19 Q. Okay.

20 A. That, you know, once I failed a
21 psychological, I can't accept any other
22 police job, because that list number is the
23 same list number that they use off the
24 police exam.

25 Q. So you were told specifically

1 K. Lamm

2 that you failed the psychological by the
3 Suffolk County Civil Service Department?

4 A. No.

5 Q. So how do you know that you
6 failed the -- the psychological?

7 A. I received a letter that I
8 failed.

9 Q. The psychological?

10 A. Yes.

11 Q. Okay. See, I thought you had
12 just said you received a letter saying that
13 you were not qualified. Did you receive --

14 A. That's what it says, not
15 qualified, on the letter.

16 Q. Did it say you were not qualified
17 because you failed the psychological?

18 A. Yes.

19 Q. Oh, okay. So you did receive --
20 just so we're clear, you received a letter
21 from the Suffolk County Civil Service
22 Department that specifically said you are
23 not qualified because you failed the
24 psychological test; is that correct?

25 A. The exact wording, but it's

1 K. Lamm

2 pretty close.

3 Q. Okay. And in the second letter
4 that you received -- you received from the
5 Suffolk County Civil Service Department, did
6 it also say that you were not qualified
7 because you had failed a psychological test?

8 A. In appeal. Yes.

9 Q. Okay. And did you ever seek to
10 determine what parts of the psychological
11 test you failed?

12 A. When I was there for the appeal,
13 I asked if I would be able to know what part
14 I had failed, and they said they don't tell
15 you.

16 Q. Okay. And did you ever do
17 anything to ascertain the truthfulness of
18 the statement that said they don't tell
19 people why they fail tests?

20 A. No.

21 Q. Okay. Now let's go back to the
22 understanding that you had about what --
23 what disqualifications you had as a result
24 of failing the physical -- I mean the
25 psychological and being told you were not

1 K. Lamm

2 qualified by the Suffolk County Civil
3 Service Department. Who told you
4 specifically, of those two individuals in
5 that meeting, that because you were not
6 qualified as a result of failing your
7 psychological, you could not apply for any
8 other job, any other law enforcement job?

9 MR. GOODSTADT: Objection.

10 A. Stanley Pelc.

11 Q. Okay. What specifically did
12 Mr. Pelc say to you?

13 A. Because you need over a year to
14 pass, time to pass in order to take another
15 psychological again.

16 Q. Did Mr. Pelc advise you
17 specifically as a result of your failure,
18 you cannot apply or pursue any other law
19 enforcement job?

20 A. No, he did not say that.

21 Q. So my question to you, sir, is,
22 what is the basis for your understanding
23 that because you were determined to be not
24 qualified as a result of failing a
25 psychological, you could not go forward in

1 K. Lamm

2 your application with the Southampton
3 Village Police Department?

4 A. Because I had just received a
5 letter within two weeks that I was not
6 qualified from the Civil Service exam for
7 the psychological.

8 Q. So that's the basis of your --
9 your understanding?

10 A. Yes.

11 Q. Have you taken a psychological
12 test subsequent to your -- subsequent to the
13 Civil Service Department's determination
14 that you were not qualified?

15 A. I have taken other Civil Service
16 tests psychological before that.

17 Q. I'm not interested, sir, with
18 before. We've established that you took a
19 psych -- you took psychological tests with
20 regard to your application for a Suffolk
21 County Police Department position, correct?

22 A. Correct.

23 Q. We've established that you were
24 told on two occasions that you failed the
25 psychological test, and therefore, were not

1 K. Lamm

2 qualified, correct?

3 A. Correct.

4 Q. You've testified, if I understand
5 you correctly, and tell me if I'm wrong,
6 that you were advised by Mr. Pelc that you
7 would have to wait one more year before you
8 could take another psychological test,
9 correct?

10 MR. GOODSTADT: Objection.

11 A. That's correct.

12 Q. Is that what Mr. Pelc told you?

13 A. That's correct.

14 Q. Have you taken another
15 psychological test since being advised that
16 you failed the test with regard to the
17 Suffolk County Police Department position?

18 A. No.

19 Q. Okay. To your knowledge, did
20 George Hesse send any documentation --
21 withdrawn. To your knowledge, did George
22 Hesse ever communicate to the -- to the
23 Southampton Village Police Department
24 concerning you with regard to your
25 application for employment?

1 K. Lamm

2 A. Not to my knowledge.

3 Q. To your knowledge, did Mr. Hesse
4 know that you were applying, at any point in
5 time, for a position with the Southampton
6 Village Police Department?

7 A. I don't know if he did.

8 Q. Did you ever advise Mr. Hesse?

9 A. No.

10 Q. Did you ever advise Mr. Hesse
11 that you were applying, at any point in
12 time, for a position with the Southampton
13 Town Police Department?

14 A. No.

15 Q. Sir, why have you not taken an
16 exam -- a subsequent psychological exam for
17 a law enforcement job after you were advised
18 by the Suffolk County Civil Service
19 Department that you were not qualified as a
20 result of failing the psychological test?

21 MR. GOODSTADT: Objection.

22 A. I had no reason to take another
23 one.

24 Q. What do you mean you had no
25 reason to take another one?

1 K. Lamm

2 A. After that test?

3 Q. Yes.

4 A. For what?

5 Q. Were you still interested in
6 working in law enforcement?

7 A. Yes, I was.

8 Q. Okay. And if I understand you
9 correctly, Mr. Pelc told you that before you
10 could apply for another law enforcement job,
11 you had to wait a year and then take the
12 psychological --

13 A. Over a year.

14 Q. You had to wait for over a year
15 to take the psychological test again,
16 correct?

17 A. Correct.

18 Q. When he said "over a year," do
19 you know what he meant by "over a year"?

20 A. A year has to pass.

21 Q. Okay. And how often are these
22 psychological tests given, to your
23 knowledge? Well, withdrawn. Is there a set
24 period, a set day every year where
25 psychological tests are given?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 Q. To your knowledge?

4 A. I don't know.

5 Q. Okay. Well, we've established
6 now, sir, that you failed the psychological
7 tests -- test, you were advised of that, and
8 then you were advised that you had to wait
9 for over a year to take another one,
10 correct?

11 A. Correct.

12 Q. Okay. And we've also established
13 that you are still interested in working in
14 the law enforcement field, correct?

15 A. Correct.

16 Q. So then my question, sir, is why
17 haven't you taken a test, another
18 psychological test for the purposes of a law
19 enforcement position?

20 A. 'Cause I haven't had any other
21 tests taken for other law enforcement jobs.

22 Q. What do you mean by that?

23 A. Because I have exceeded the age
24 limit now.

25 Q. What is the age limit?

1 K. Lamm

2 A. 35.

3 Q. Okay. How old were you when you
4 were advised that you had failed the
5 psychological tests for the Suffolk County
6 Police Department?

7 A. 34.

8 Q. Okay. And when did you turn 35,
9 what date and year?

10 A. November of 2000 -- of -- of
11 that year.

12 Q. Of 2000 and?

13 A. Six.

14 Q. Six. Did you know that -- did
15 you know when you were told that you had
16 failed -- I'm sorry. Withdrawn. Did you
17 know when you were advised for the second
18 time that the Civil Service Department had
19 indicated that you were not qualified as a
20 result of failing the psychological, that
21 there was a 35 year age limit on law
22 enforcement positions?

23 A. I knew that there was.

24 Q. You knew that there was a 35 year
25 age --

1 K. Lamm

2 A. In order to take the test, you --
3 you wouldn't be able to take the test if you
4 were over 35.

5 Q. Okay. And you knew that at the
6 time that you were told you were not
7 qualified?

8 A. Yes.

9 Q. Did you commence any type of
10 lawsuit between the time that you were
11 advised that you were not qualified and the
12 date of your 35th birthday concerning the
13 determination by the Suffolk County Civil
14 Service Department that you were not
15 qualified?

16 MR. GOODSTADT: Objection.

17 A. No.

18 MR. NOVIKOFF: What's the basis
19 of the objection, counselor?

20 MR. GOODSTADT: Did he commence
21 a lawsuit? I mean, he's commenced a
22 lawsuit here, right?

23 MR. NOVIKOFF: Well, then I'll
24 rephrase the question.

25 Q. Did you commence a lawsuit in a

1 K. Lamm

2 state court, challenging the Suffolk County
3 Civil Service Department's determination
4 that you were not qualified prior to turning
5 35?

6 A. This is the lawsuit here.

7 Q. Well, you commenced this prior to
8 the time you turned 35?

9 A. Yes.

10 Q. Well, let's see. Lawsuit's filed
11 March 21, 2007. How old were you on March
12 21, 2007?

13 A. 35.

14 Q. Okay. Because you had turned 35
15 in November of 2006, correct?

16 A. Yes.

17 Q. Okay. So let me ask the question
18 again, sir. Did you file a lawsuit in any
19 state court, challenging the Civil Service
20 Department's determination that you were not
21 qualified because you failed a psychological
22 test prior to you turning 35?

23 A. No.

24 Q. Let's talk about Huntington Bay.
25 How did it come about that you applied for a

1 K. Lamm

2 job with Huntington Bay?

3 A. They sent a canvas letter.

4 Q. Who sent a canvas letter?

5 A. Civil Service.

6 Q. And when did Civil Service send
7 you a canvas letter?

8 A. Maybe late 2004, early 2005.

9 Q. Okay. And what boxes, if any,
10 did you check off on that particular canvas
11 letter?

12 MR. GOODSTADT: Objection.

13 Q. Well, withdrawn. Did you check
14 off any boxes? Well, even -- I'll even go
15 back further, since I don't want to have
16 another objection. What was on this canvas
17 letter?

18 A. Interested in employment.

19 Q. And do you recall what entities,
20 if any, were identified in the Civil Service
21 canvas letter that you're referring to?

22 A. Yes, I do.

23 Q. And what were they?

24 A. Lloyd Harbor.

25 Q. Okay.

1 K. Lamm

2 A. And Huntington Bay.

3 Q. Huntington Bay Police Department?

4 A. Yes.

5 Q. Lloyd Harbor Police Department?

6 A. Lloyd Harbor, yes.

7 Q. Okay. And did you check off
8 those two boxes?

9 A. Yes.

10 Q. And did you return that canvas
11 letter to the Civil Service Department?

12 A. Yes, I did.

13 Q. With regard to Huntington Bay,
14 what was the next communication, if any,
15 that you received from them concerning your
16 interest in a position with that police
17 department?

18 MR. GOODSTADT: Objection.

19 A. I spoke to the chief and I
20 dropped off paperwork there.

21 Q. Who was the chief?

22 A. Chief Hobbs.

23 Q. When did you speak with the
24 chief?

25 A. Somewhere around the time frame

1 K. Lamm
2 of 2005, springtime I believe.

3 Q. Springtime of 2005?

4 A. Yes.

5 Q. Okay. And what paperwork did you
6 drop off?

7 A. Dropped off my police
8 certificate.

9 Q. Okay.

10 A. Copy of my test grade from the
11 police exam.

12 Q. Okay.

13 A. And some of my other training
14 documents from Suffolk Police Academy.

15 Q. How did you know to go to -- to
16 go to the Huntington Bay Village Police
17 Department to drop off these documents?

18 A. I just went there.

19 Q. Did you schedule -- did you
20 have -- did you have a communication with
21 anyone scheduling the time that you were to
22 drop off these documents?

23 A. No. No scheduled time.

24 Q. Did anyone tell you to drop these
25 documents off?

1 K. Lamm

2 A. No. I did.

3 Q. And did you have a conversation
4 with Chief Hobbs the day that you dropped
5 these documents off?

6 A. I said to him I was --

7 Q. No. The question is, did you
8 have a communication with Chief Hobbs on the
9 day that you dropped these documents off?

10 A. Brief.

11 Q. Okay. Was that the first time
12 you had spoken with Chief Hobbs about your
13 interest in the Huntington -- Huntington Bay
14 Police Department?

15 A. Yes.

16 Q. And when you say it was a brief
17 conversation, how long was it?

18 A. Brief. Maybe three minutes.

19 Q. And do you recall the sum and
20 substance of the conversation?

21 A. Some of it.

22 Q. Want to enlighten us?

23 MR. GOODSTADT: Objection.

24 A. Sure. I said I was interested in
25 a position with your department and here's

1 K. Lamm

2 some of my -- here's a copy of my
3 certificate from the police academy and the
4 municipal bureau of police from New York
5 State. He said, "Okay. If anything, we'll
6 be in touch." I said, "Thank you." That
7 was really it.

8 Q. Did the name George Hesse come up
9 at all during this brief conversation?

10 A. No, it didn't.

11 Q. Did the name of Ocean Beach come
12 up during the course of this brief
13 conversation?

14 A. I said, "I work at Ocean Beach."

15 Q. How did you describe -- did you
16 describe what you meant by you work at Ocean
17 Beach?

18 A. That I was a police officer.

19 Q. Did you describe to him whether
20 you were a full time or police -- or part
21 time?

22 A. No.

23 Q. Did you describe to him whether
24 you were seasonal or full time?

25 A. No.

1 K. Lamm

2 Q. Don't you think that would have
3 been important for him to know?

4 MR. GOODSTADT: Objection.

5 A. No.

6 Q. Okay. Well, what communication,
7 if any, did you receive from the Huntington
8 Bay Police Department after this brief
9 communication with Chief Hobbs?

10 A. None.

11 Q. Did you, prior to the end of your
12 employment relationship with Ocean Beach,
13 make any inquiries with the Huntington Bay
14 Police Department concerning your interest
15 in a job with them?

16 A. No.

17 Q. To your knowledge, did George
18 Hesse ever communicate with the Huntington
19 Bay -- Huntington Bay Police Department
20 concerning your interest in the job with
21 them?

22 A. Repeat that, please.

23 Q. To your knowledge, did George
24 Hesse ever communicate with the Huntington
25 Bay Police Department concerning your

1 K. Lamm

2 interest in a position with them?

3 A. Not to my knowledge.

4 Q. Did you ever advise Chief Hesse
5 that you had submitted an application to the
6 Huntington Bay Police Department?

7 A. I believe I said something to
8 him.

9 Q. When did you say something to
10 him?

11 A. Sometime that year in 2005.

12 Q. And do you recall what
13 Mr. Hesse's reaction was, if any?

14 A. No, I don't.

15 Q. Okay. When was -- after you
16 checked off the box for Lloyd Harbor Police
17 Department -- actually, let me take a step
18 back. The Huntington Bay Police Department,
19 was that a full-time position that you were
20 applying for?

21 A. Yes.

22 Q. And how about with the two
23 Southampton police department applications,
24 was that -- was that full time?

25 A. Yes.

1 K. Lamm

2 Q. Okay. Let's then go to Lloyd
3 Harbor. After checking off the box of the
4 canvas letter and sending the letter back to
5 the Civil Service Department, what, if
6 anything -- what -- what, if any,
7 communication did you receive from the Lloyd
8 Harbor Police Department concerning your
9 interest in the job with them?

10 A. They sent a letter with residency
11 requirements.

12 Q. And were you -- and when did they
13 send this letter to you?

14 A. Within a few -- within a few
15 weeks after I sent a letter back.

16 Q. And did you advise them that you
17 were not a resident of Lloyd Harbor at that
18 time?

19 A. You didn't have to be a resident.

20 Q. Oh, okay. So they were different
21 than Southampton Town?

22 MR. GOODSTADT: Objection.

23 Q. To your knowledge?

24 A. Slightly.

25 Q. When you say "slightly," what do

1 K. Lamm

2 you mean?

3 A. Because Lloyd Harbor has what's
4 called a loose residency.

5 Q. What is your understanding as to
6 what that means?

7 A. The way they defined it?

8 Q. Yes. That's all I'm asking.

9 A. The way they defined it was that
10 if you lived either in the village of Lloyd
11 Harbor or within an approximate 15 mile
12 range, you would get to be -- you would have
13 preference over anybody else that lived
14 further out.

15 Q. Did you live in Lloyd Harbor at
16 the time you received this letter?

17 A. No.

18 Q. Have you ever lived in Lloyd
19 Harbor since submitting an application for
20 employment?

21 A. No.

22 Q. Did you live within the 15 miles
23 of this village at the time you received
24 this letter?

25 A. Yes. They -- they stated I was

1 K. Lamm

2 within the range.

3 Q. Okay. And where did you live at
4 this time?

5 A. Bay Shore.

6 Q. Okay. And did you advise --
7 they stated that you lived in the range in
8 this letter?

9 A. Yes. They said that was
10 acceptable.

11 Q. So what else, if anything, did
12 this letter state to you concerning your
13 interest in a job with them?

14 A. They wanted to know if I had
15 already completed a police academy within
16 Suffolk County.

17 Q. And -- and had you?

18 A. And if I had any police
19 experience.

20 Q. Okay. Let's talk about the first
21 one. Had you completed a -- how did you
22 phrase it?

23 A. Police academy?

24 Q. Yeah.

25 A. Yes, I did.

1 K. Lamm

2 Q. And did you advise them of that?

3 A. Yes, I did.

4 Q. And did you advise them of your
5 police experience?

6 A. Yes, I did.

7 Q. And how did you go about advising
8 them of your police experience and of your
9 police academy experience?

10 A. It was through telephone.

11 Q. Who did you speak with?

12 A. Don't know the name. Whoever was
13 working the desk.

14 Q. When did you speak to them in
15 relation to when you received this letter
16 seeking this information?

17 A. Sometime in 2005.

18 Q. Okay. And what was the next
19 communication, if any, that you received
20 from the Harbor -- the Lloyd Harbor Police
21 Department concerning your interest in a job
22 with them?

23 A. To send a copy of my police
24 certificates.

25 Q. And did you?

1 K. Lamm

2 A. Yes, I did.

3 Q. How long -- when -- when did you
4 receive this communication from them
5 concerning your police certificates?

6 A. After the telephone conversation.

7 Q. Okay. And do you know who you
8 spoke to with regard to the request for the
9 police certificates?

10 A. I don't know who it was.

11 Q. Okay. And how long after this
12 communication did you send the police
13 certificates to them?

14 A. Within the next day or two.

15 Q. Still in 2005?

16 A. Yes.

17 Q. Are we in the fall of 2005, the
18 summer or the winter?

19 MR. GOODSTADT: Objection.

20 Q. Well, do you know what season you
21 were in when you had these communications?

22 A. Springtime maybe.

23 Q. Okay. And after you sent the
24 police certificates to Lloyd Harbor, what
25 communications, if any, did you engage in

1 K. Lamm

2 after that with Lloyd Harbor?

3 A. They -- I believe they said you
4 can call back and you can talk to one of the
5 lieutenants if you have to.

6 Q. Okay. And did you call back?

7 A. Yes, I did.

8 Q. Do you know if -- well, did you
9 speak to a live human being when you called
10 back?

11 A. Yes, I did.

12 Q. Do you know who you spoke to?

13 A. It was a man I believe. Who it
14 was, I don't know who it was.

15 Q. How shortly after you were
16 advised you should speak to one of the
17 sergeants did you in fact call over to the
18 Lloyd Harbor Police Department?

19 MR. GOODSTADT: Objection.

20 A. Say again, please.

21 Q. How long after -- we've
22 established you were advised that you should
23 call over and speak to one of the sergeants,
24 correct?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 Q. Was that correct?

3 A. She said lieutenant.

4 Q. Oh, okay. How long after you
5 were advised that you should call over and
6 speak to one of the lieutenants did you in
7 fact call over to speak to one of the
8 lieutenants?

9 A. May have been a week later.

10 Q. Okay. So we're still in the 2005
11 time period?

12 A. Yes.

13 Q. And did you speak with any
14 lieutenants?

15 A. I believe it was. The name I
16 can't be for certain.

17 Q. And do you know the name?

18 A. The name I can't be for certain.

19 Q. Okay. And how long was this
20 conversation?

21 A. It wasn't very long.

22 Q. Two minutes? Five minutes? 10
23 minutes?

24 A. Six minutes.

25 Q. Do you recall the sum and

1 K. Lamm

2 substance of this conversation?

3 A. I asked if they received my
4 papers. My police certificates.

5 Q. And what was the response, if
6 any?

7 A. Yes, they did.

8 Q. Do you recall was someone --
9 anything else that was discussed with this
10 individual in this brief conversation?

11 A. Yes. That they were looking to
12 hire two people.

13 Q. Okay. And anything else that was
14 discussed?

15 A. Yes.

16 Q. What? What was discussed?

17 A. That being that I had already
18 graduated from the Suffolk County Police
19 Department, that I may have first preference
20 over anybody else that didn't have academy
21 experience or graduate from an accredited
22 agency.

23 Q. Okay.

24 A. Mainly Suffolk County Police
25 Academy.

1 K. Lamm

2 Q. Got it. Anything else that was
3 discussed that you can recall?

4 A. Not that I can recall.

5 Q. And how did the conversation end?

6 A. "Good-bye." Hung up the phone.

7 Q. Okay. Were you advised to call
8 back at any particular time?

9 A. No.

10 Q. What was the next communication
11 that you engaged in with someone from the
12 Lloyd Harbor Police Department concerning
13 your interest in a position with that
14 department?

15 A. May have been maybe another month
16 after.

17 Q. And what type of communication
18 was this?

19 A. Telephone.

20 Q. Who initiated it?

21 A. I did.

22 Q. Who did you call?

23 A. Lloyd Harbor Police.

24 Q. Anyone specifically?

25 A. Whoever was working the desk.

1 K. Lamm

2 Q. And what was the purpose of your
3 phone call, if any?

4 A. To see if they were still going
5 to hire two full time people and if there
6 was a time frame.

7 Q. And what response, if any, did
8 you get to your inquiry?

9 A. They said that they were still
10 making a decision.

11 Q. And how long was this
12 conversation?

13 A. Three, four minutes.

14 Q. Okay. Anything else you recall
15 said between you and this person at the
16 police department?

17 A. Not that I can recall.

18 Q. What was the next communication,
19 if any, that you had between you and anyone
20 at the Lloyd Harbor Police Department
21 concerning your interest in a job with them?

22 A. I don't believe there was one.

23 Q. Did you -- did you attempt to
24 phone the Lloyd Harbor Police Department
25 after this last communication?

1 K. Lamm

2 A. No. I just waited for a
3 response.

4 Q. So we're still in -- we're still
5 in 2005, correct?

6 A. Correct.

7 Q. And you made no further
8 communications with them?

9 A. Waited for a response.

10 Q. Before the end of your employment
11 relationship in April of 2006 with Ocean
12 Beach, did you make any inquiry with -- with
13 the Lloyd Harbor Police Department?

14 A. No.

15 Q. Prior to the end of your
16 employment relationship with the Lloyd --
17 with Ocean Beach, did you become aware of
18 the fact one way or the other as to whether
19 Lloyd Harbor had filled those two full-time
20 positions?

21 A. Don't know.

22 Q. Did you ever inquire as to
23 whether they did?

24 A. No.

25 Q. To this day do you know if they

1 K. Lamm

2 did?

3 A. I don't know.

4 Q. Did you ever inquire between
5 April 2, 2006 and this date?

6 A. No.

7 Q. To your knowledge, did Mr. Hesse
8 know that you were applying for a position
9 with the Lloyd Harbor Police Department?

10 A. I believe he did.

11 Q. How -- what's the basis for that
12 belief?

13 A. Because I was talking about it
14 inside the station.

15 Q. Directly to Mr. Hesse?

16 A. He was passing by.

17 Q. So who were you talking to?

18 A. I believe -- I believe it was
19 Walter Muller.

20 Q. When?

21 A. The exact day I don't know.

22 Q. Month and year?

23 A. Maybe somewhere around the time
24 frame when I received the letter and made a
25 phone call. 2005. Month, day I cannot be

1 K. Lamm

2 specific.

3 Q. I think you -- you sufficiently
4 answered that question.

5 MR. GOODSTADT: Objection.

6 Q. Did Mr. Hesse stop as he was
7 passing by to engage you in a conversation
8 concerning this?

9 A. In passing he said, "Oh, you're
10 applying to Lloyd Harbor?" I said, "Yes."

11 Q. Did he say anything else?

12 A. No.

13 Q. To your knowledge, did Mr. -- has
14 Mr. Hesse ever communicated with Lloyd
15 Harbor concerning your interest in a
16 position with them?

17 A. Not to my knowledge.

18 Q. Let's -- do you recall alleging
19 or -- withdrawn. Do you recall stating a
20 claim for relief in your lawsuit described
21 as civil conspiracy under state law?

22 MR. GOODSTADT: Objection.

23 A. I don't recall right now.

24 Q. Okay. How did Defendant Hesse
25 and Ms. Sanchez conspire to unlawfully

1 K. Lamm
2 destroy your career?

3 MR. GOODSTADT: Objection.

4 MR. NOVIKOFF: What's the basis
5 for the objection, counselor?

6 MR. GOODSTADT: To the extent
7 that "conspire" has a legal
8 connotation, he's a fact witness and,
9 you know, shouldn't be held to knowing
10 the definition of a legal claim in his
11 Complaint.

12 MR. NOVIKOFF: Sir, I'm just
13 asking him to give me the basis for the
14 allegation that he made, and I'll quote
15 from page 186, "as set forth above,
16 Defendants Hesse and Alison Sanchez
17 conspired to unlawfully destroy
18 Plaintiffs' careers."

19 MR. GOODSTADT: There's a legal
20 connotation to the word "conspire."

21 MR. NOVIKOFF: That's fine.

22 Q. Sir, what did Defendant Hesse and
23 Alison Sanchez do that leads you to believe
24 that they "conspired to unlawfully destroy"
25 your career?

1 K. Lamm

2 MR. GOODSTADT: Same objection.

3 MR. NOVIKOFF: Okay.

4 A. According to the phone
5 conversation that Ed Carter had with George
6 Hesse about myself, Frank Fiorillo and
7 Joseph Nofi would never get any law
8 enforcement careers ever again in our life.

9 Q. Motion -- okay. Continue. I
10 don't want to stop your answer.

11 A. Thank you. And with all the
12 knowledge that he has in Civil Service right
13 now, and he snickered.

14 THE COURT REPORTER: He what?

15 THE WITNESS: He snickered.

16 Q. He snickered?

17 A. Laughed.

18 Q. Who snickered?

19 A. George Hesse.

20 Q. Oh, okay. When you say all the
21 knowledge that he has in Civil Service, what
22 do you mean?

23 A. Well, he was friends with Alison
24 Sanchez.

25 Q. And you know this how?

1 K. Lamm

2 A. Because he said that he had a
3 close friend in Civil Service one time when
4 we were in the police department and showed
5 her business card.

6 Q. Did he say this to you?

7 A. Yes, he did.

8 Q. And what business card did he
9 show you?

10 A. Alison Sanchez.

11 Q. Okay. When did he show you this?

12 A. Sometime within the year of 2005.

13 Q. Okay.

14 A. End of 2004, beginning 2005.

15 Q. And what was the context in which
16 he was showing you this card and making the
17 statement that he had a close friend in the
18 Civil Service Department?

19 A. Again, please.

20 Q. What was the context that led him
21 to tell you that he had a close friend in
22 the Civil Service Department and showed you
23 the business card?

24 A. Because at that time, he was
25 hiring people to work in the department.

1 K. Lamm

2 Q. Okay. And what led him, to your
3 recollection, to state that he had a close
4 friend in the Civil Service Department?

5 A. Because these people that he was
6 hiring were not going through any Civil
7 Service requirements.

8 Q. Okay. Now when you say he hired,
9 was this before Chief Paridiso left or after
10 Chief Paridiso left?

11 A. Exactly when Chief Paridiso left,
12 I don't know the exact date when he left.

13 Q. I'm not asking when Chief
14 Paridiso left, not the date. My question
15 is, when you just testified that you said
16 that George Hesse was hiring, was Chief
17 Paridiso at that time still working for the
18 police department, to your knowledge?

19 A. To my knowledge, yes, he was.

20 Q. Okay. Now when I asked you the
21 question about, you know, before you
22 answered that you had a conversation with Ed
23 Snyder; is that correct?

24 MR. GOODSTADT: Objection.

25 Q. Tom Snyder?

1 K. Lamm

2 A. I didn't say Tom Snyder.

3 Q. Who did you say?

4 A. Edward Carter.

5 Q. Okay. Other than what Mr. Carter
6 may have told you, what else, if anything,
7 is the basis for your allegation that
8 Mr. Hesse and Ms. Sanchez "conspired to
9 unlawfully destroy" your career?

10 MR. GOODSTADT: Objection.

11 A. That is what I heard.

12 Q. Okay. So other than what you
13 heard from another source concerning a
14 conversation between George Hesse and
15 Mr. Carter, you have no other basis to
16 support that conclusion, do you?

17 MR. GOODSTADT: Objection. He
18 testified to a different conversation
19 he had with George Hesse.

20 MR. NOVIKOFF: Sir, excuse me.
21 You can object.

22 MR. GOODSTADT: Because you're
23 misstating the testimony right now.

24 MR. NOVIKOFF: Then you can
25 object.

1 K. Lamm

2 MR. GOODSTADT: I just did.

3 MR. NOVIKOFF: I don't need to
4 hear it unless I asked for it, which I
5 have and you've responded to it.

6 MR. GOODSTADT: I'm not going
7 to let you mislead the witness.

8 MR. NOVIKOFF: Then you can
9 object, sir.

10 MR. GOODSTADT: I am. And I'm
11 protecting the record as well. I'm not
12 letting you mislead the witness.

13 Q. Sir, you've testified that --
14 that you heard of a conversation between
15 Mr. Hesse and Mr. Carter, correct?

16 A. Correct.

17 Q. Who told you about that
18 conversation?

19 A. Ed Carter told me and I heard --

20 Q. That's all I'm asking. Who told
21 you?

22 A. Ed Carter.

23 Q. Okay. Did you hear about that
24 conversation from any other source, other
25 than Mr. Carter?

1 K. Lamm

2 A. No.

3 Q. Okay. And that conversation that
4 Mr. Carter told you about was between
5 Mr. Hesse and who?

6 A. The conversation was between
7 George Hesse and Edward Carter.

8 Q. Okay. Now other than this
9 conversation with Mr. Carter, that
10 Mr. Carter told you about, is there any
11 other basis for your claim that Mr. Hesse
12 and Ms. Sanchez "conspired to unlawfully
13 destroy" your career?

14 MR. GOODSTADT: Objection.

15 Both the form, has a legal conclusion
16 required in it, and it's been asked and
17 answered.

18 MR. NOVIKOFF: Okay.

19 A. No.

20 Q. Okay. What acts did Mr. Hesse
21 and Ms. Sanchez do together, if any, that
22 you believe destroyed your career?

23 A. Exactly?

24 Q. Yeah.

25 A. What they did, I can't pinpoint

1 K. Lamm

2 exactly. But from their closeness and, you
3 know, that they have had and the way George
4 Hesse says with all his Civil Service
5 knowledge, I don't know what he was capable
6 of doing.

7 Q. Sir, my question, sir, is to you,
8 other than your speculation as to what
9 Mr. Hesse is capable of doing, is there any
10 basis for you to conclude that Ms. Sanchez
11 and Mr. Hesse did anything together to
12 destroy your career?

13 MR. GOODSTADT: Objection.

14 A. I couldn't -- I couldn't be
15 specific?

16 Q. How about generally?

17 A. No.

18 Q. Generally what --

19 A. That was my answer that I just
20 gave.

21 Q. You got it. Did, to your
22 knowledge, Mr. Hesse and Ms. Sanchez ever
23 meet to discuss destroying your career?

24 A. They have met, but I don't know
25 in what their discussions were.

1 K. Lamm

2 MO MR. NOVIKOFF: Motion to strike
3 as nonresponsive.

4 Q. Sir, do you have any knowledge as
5 to whether or not Mr. Hesse and Ms. Sanchez
6 ever met to discuss destroying your career?

7 A. No.

8 Q. The answer's no?

9 A. No.

10 Q. Okay. To your knowledge, sir,
11 did Mr. Hesse and Ms. Sanchez ever enter
12 into an agreement to destroy your career?

13 A. Not that I'm aware of.

14 Q. Was it "not that I'm aware of,"
15 is that the answer? Okay. So when you
16 allege in paragraph 186 that Defendant Hesse
17 and Ms. Sanchez "shared a mutual agreement
18 and understanding regarding their objective
19 to do so," what was the basis of that
20 allegation?

21 MR. GOODSTADT: Objection.

22 A. Repeat the question again.

23 Q. Sure. You've alleged in
24 paragraph 186 that Mr. Hesse and Ms. Sanchez
25 conspired to unlawfully destroy your career,

1 K. Lamm

2 and then you further allege that both
3 Mr. Hesse and Ms. Sanchez "shared a mutual
4 agreement and understanding regarding their
5 objective to do so." So my question to you
6 is, what is the basis for the truthfulness
7 of the allegation that "Mr. Hesse" -- I'm
8 sorry, that Mr. Hesse and Ms. Sanchez
9 "shared a mutual agreement and understanding
10 regarding their objective" to destroy your
11 career?

12 MR. GOODSTADT: Objection.

13 MR. NOVIKOFF: Okay.

14 A. After I was being stated as a
15 Civil Service rat, George Hesse stated that,
16 you know, we will never get law enforcement
17 jobs again, so.

18 Q. I understand that. But what
19 evidence do you have that Ms. Sanchez had a
20 mutual agreement with Mr. Hesse to destroy
21 your legal career -- your -- your law
22 enforcement career?

23 MR. GOODSTADT: Objection.

24 A. I don't.

25 Q. What evidence can you point to

1 K. Lamm

2 that Ms. Sanchez had a mutual understanding
3 with Mr. Hesse to destroy your law
4 enforcement career?

5 A. I don't know.

6 Q. You then allege in 186, sir, that
7 Mr. Hesse and Ms. Sanchez "committed
8 numerous overt acts" in furtherance of the
9 plan to destroy your law enforcement career,
10 do you recall that?

11 A. Yes.

12 Q. What -- do you have an
13 understanding as to what "overt" means?

14 A. Sure.

15 Q. What's your understanding of the
16 word "overt"?

17 A. That they conspired together to
18 come up with the plan and --

19 Q. Okay. What act that you allege
20 was undertaken between Hesse and Sanchez to
21 destroy your law enforcement career?

22 MR. GOODSTADT: Objection.

23 A. It appeared as if that the way
24 they had this close relationship together,
25 and through discovery and emails that they

1 K. Lamm

2 had together, they were hiring people to
3 work there uncertified without going through
4 any processing. Therefore, the conversation
5 that Ed Carter had with George Hesse and
6 Hesse stating that he has Civil Service
7 knowledge, and to the fact that us three
8 mutts and rats will never get another law
9 enforcement job again, believes me -- let's
10 me believe that they had something to do
11 with something about it.

12 MR. NOVIKOFF: Motion to
13 strike.

14 A. And that's my answer.

15 MO MR. NOVIKOFF: Go ahead.
16 Motion to strike as not responsive,
17 sir.

18 Q. You've alleged that Hesse and
19 Sanchez committed numerous overt acts in
20 furtherance of their mutual understanding to
21 destroy your law enforcement career. Name
22 me one act that Ms. Sanchez engaged in with
23 Mr. Hesse that supports your position that
24 they engaged in these acts to destroy your
25 career?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 Q. Do you understand my question?

4 A. I understand your question.

5 Q. Okay.

6 A. I can't.

7 Q. Do you recall claiming in this
8 lawsuit, sir -- I'm sorry. Withdrawn. Do
9 you recall alleging as a claim for relief in
10 this lawsuit, the "negligent retention of an
11 unfit employee under state law"?

12 MR. GOODSTADT: Objection.

13 A. I don't recall.

14 Q. Okay. I'm going to show you what
15 is the -- I purport to be the Complaint that
16 was filed in this action, and I'm going to
17 refer your attention to paragraph -- to page
18 41, and ask you to look at the bolded
19 language in the parenthetical under the
20 words "as and for a 12th cause of action."

21 MR. GOODSTADT: Are you marking
22 this as an exhibit?

23 MR. NOVIKOFF: No. It's the
24 Complaint. I don't need to mark it as
25 an exhibit. I'm not going to be using

1 K. Lamm

2 it, other than to refresh his
3 recollection.

4 MR. GOODSTADT: What paragraph
5 are you on?

6 MR. NOVIKOFF: Page 41.

7 MR. GOODSTADT: And what
8 paragraph are you looking at?

9 MR. NOVIKOFF: Just underneath
10 the language "as and for a 12th cause
11 of action."

12 Q. My question to your client is,
13 sir, please look at the language underneath
14 that which is in bold and which is in
15 parentheticals, which says "negligent
16 retention of an unfit employee under state
17 law," and once you read that, can you advise
18 me if reading that refreshes your
19 recollection as to whether or not you have
20 alleged a claim against my clients entitled
21 "negligent retention of an unfit employee
22 under state law"?

23 A. "Unfit employee," which means to
24 me is that the people they were hiring were
25 not fit.

1 K. Lamm

2 MO MR. NOVIKOFF: Sir, I'm not
3 asking you what you think it means. My
4 question is specific, and I'm going to
5 move to strike.

6 Q. Does reading that one line, and
7 that's all I've asked you to read, the line
8 that's in bold and in the parentheses,
9 does that refresh your recollection that
10 you've alleged in this case, a cause of
11 action sounding in negligent retention of an
12 unfit employee under state law?

13 MR. GOODSTADT: Objection.
14 Objection. For the record, every
15 single motion that Mr. Novikoff
16 purports to make during this deposition
17 are all opposed, and we reserve our
18 right to oppose them to the extent that
19 he actually raises them in some form
20 that this matters.

21 MR. NOVIKOFF: That -- that
22 goes without question, sir.

23 MR. GOODSTADT: I just want to
24 make the record clear.

25 MR. NOVIKOFF: Didn't need to.

1 K. Lamm

2 Q. So that's my question. Does that
3 refresh your recollection, Mr. Lamm?

4 A. No, it doesn't.

5 Q. Okay. We don't need that
6 anymore.

7 MR. GOODSTADT: Can we just
8 take a two-minute break?

9 MR. NOVIKOFF: Sure.
10 Absolutely.

11 THE VIDEOGRAPHER: The time is
12 12:11 p.m. Going off the record.

13 (A break was taken.)

14 THE VIDEOGRAPHER: This begins
15 tape number three. The time is 12:20
16 p.m. Back on the record.

17 MR. NOVIKOFF: Just read my
18 last question and answer.

19 (The requested portion was read.)

20 Q. Sir, you've alleged in this
21 Complaint the following, and I quote,
22 "Defendant Hesse, Ocean Beach, OBPD and
23 Suffolk County Civil Service deliberately
24 retained and advanced the careers of
25 uncertified and unqualified personnel who

1 K. Lamm

2 served alongside Plaintiffs as police
3 officers." My question to you, sir, is what
4 officers -- what officers are you referring
5 to when you claim that they were
6 uncertified, and I'm just looking for their
7 identities?

8 A. Let me make sure I get this
9 straight. The officers that were
10 uncertified you said identity?

11 Q. Yes. You've made allegations in
12 here that there were certain uncertified
13 officers, and I'm only interested now, for
14 the purpose of my question, is for you to
15 identify those officers that you're
16 referring to in this Complaint. In this
17 allegation that I just read.

18 A. Arnold Hardman.

19 Q. Okay.

20 A. William Walsh, Dan Shook, Gary
21 Bosetti, Richard Bosetti, Patrick Cherry,
22 John Patrick Cherry, however he goes by John
23 Cherry. John Patrick Cherry. Patrick John
24 Cherry.

25 Q. Same guy?

1 K. Lamm

2 A. Same guy.

3 Q. Okay. Anybody else?

4 A. Senior.

5 Q. I understand.

6 A. John Dyer. That's what -- that's
7 what comes to my knowledge right now at this
8 time.

9 Q. Who hired Andrew Hardman? I'm
10 sorry. Withdrawn. When was Andrew Hardman
11 hired, to your knowledge?

12 MR. GOODSTADT: Objection.

13 A. I don't know who Andrew Hardman
14 is.

15 Q. Okay. When you said "Hardman,"
16 who was the first name?

17 A. Arnold Hardman.

18 Q. Arnold. Okay. Fine. To your
19 knowledge, when was Arnold Hardman hired by
20 Ocean Beach?

21 A. 2003.

22 Q. To your knowledge, when was
23 Mr. Walsh hired by Ocean Beach?

24 A. 2003.

25 Q. To your knowledge, when was Dan

1 K. Lamm

2 Shook hired by Ocean Beach?

3 A. Could have been 2003 or 2004.

4 Q. To your knowledge, when was Gary
5 Bosetti hired?

6 A. 2002. Excuse me, sir. It's
7 2002. I'd like to add to that list Thomas
8 Schor.

9 Q. Okay. When was Richard Bosetti
10 hired by Ocean Beach, to your knowledge?

11 A. 2002.

12 Q. To your knowledge, when was John
13 Pat Cherry hired?

14 A. 2004.

15 Q. To your knowledge, when was John
16 Dyer hired?

17 A. 2004.

18 Q. To your knowledge, when was
19 Thomas Schor hired?

20 A. Maybe 2003, approximately.

21 Q. To your knowledge, who made the
22 final decision to hire Mr. Hardman?

23 A. To my knowledge, it would be
24 George Hesse.

25 Q. What was the basis of your

1 K. Lamm

2 knowledge?

3 A. Because he hired them.

4 Q. How do you know he hired them?

5 A. Because he had a list of names of
6 people that he was looking to hire.

7 Q. To your knowledge, did
8 Mr. Hardman's employment have to be approved
9 by Mr. Paridiso?

10 A. Did you say "employment" or
11 "unemployment"?

12 Q. His employment. To your
13 knowledge, did Mr. Paridiso have to approve,
14 in any manner, the hiring of Mr. Hardman?

15 A. I don't believe so. George was
16 the sergeant and he was doing the hiring.

17 Q. How do you know he was doing the
18 hiring?

19 A. Because he had the list of names
20 on his desk saying that who he was going to
21 hire.

22 Q. I understand that. But my
23 question is to you, how do you know, as you
24 sit here today, that Mr. Hesse didn't have
25 to get approval by Mr. Paridiso?

1 K. Lamm

2 A. Maybe he did. I --

3 Q. That's what my question is, do
4 you know?

5 A. That's why I said to my
6 knowledge, it was George Hesse that did the
7 hiring.

8 Q. Then let me rephrase my question.
9 As you sit here today, do you know if
10 Mr. Hesse had to get approval by
11 Mr. Paridiso to hire Mr. Hardman?

12 A. I don't know.

13 Q. Same question with regard to
14 Mr. Walsh?

15 A. I don't know.

16 Q. Same question with regard to
17 Mr. Shook?

18 A. I don't know.

19 Q. Same question with regard to Gary
20 Bosetti?

21 A. I don't know.

22 Q. Same question with regard to
23 Richard Bosetti?

24 A. I don't know.

25 Q. Same question with regard to Pat

1 K. Lamm

2 Cherry?

3 A. I don't know.

4 Q. Same question with regard to John
5 Dyer?

6 A. I don't know.

7 Q. Same question with regard to
8 Thomas Schor?

9 A. I don't know.

10 Q. As of the date that your
11 employment relationship ended with Ocean
12 Beach, was Mr. Hardman, to your knowledge,
13 still an employee?

14 A. Yes, he was.

15 Q. Same question with regard to
16 Mr. Walsh?

17 A. I don't believe he was.

18 Q. Same question with regard to
19 Mr. Shook?

20 A. Not for certain. I don't know.

21 Q. Same question with regard to Gary
22 Bosetti?

23 A. Yes, he was still employed.

24 Q. Same question with regard to
25 Richard Bosetti?

1 K. Lamm

2 A. Yes, he was.

3 Q. Same question with regard to Pat
4 Cherry?

5 A. Yes, he was.

6 Q. As a police officer or in some
7 other capacity?

8 A. At that time, I believe they made
9 him a dispatcher after he was hired as a
10 police officer.

11 Q. I got that. Okay. Same question
12 as regard to Mr. Dyer?

13 A. No. He -- at that time, no, he
14 wasn't.

15 Q. Same question as regard to
16 Mr. Schor?

17 A. Yes, he was still employed.

18 Q. As a police officer?

19 A. Yes, he was. Excuse me,
20 Mr. Novikoff, if you don't mind. Something
21 just came to my head if I can -- about a
22 question previously.

23 Q. Well, what was the question?

24 A. About George Hesse and Alison
25 Sanchez. About how they conspired.

1 K. Lamm

2 Q. I'll let your counsel ask you
3 that question then. Well, you know what,
4 tell me. Tell me what you want to say.

5 A. Because at the time we went to
6 Civil Service to complain, her name was
7 Alison Chester.

8 Q. Okay.

9 A. And we wanted to know about our
10 termination and how it was going to affect
11 previous employment, and she -- she stated
12 that it wouldn't and this would remain
13 confidential.

14 Q. Okay.

15 A. That meeting that we had. So
16 after we left, and we have on Edward
17 Carter's tape, that George Hesse stated that
18 there was a phone -- telephone conversation
19 between Alison Sanchez and George Hesse
20 together about our termination.

21 Q. Okay. Other than that -- well,
22 do you -- do you know -- were you a
23 participant in the phone conversation with
24 George Hesse and Alison Carter, Alison
25 Chester?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 A. No, I was not.

4 Q. Do you know specifically what
5 they discussed in that phone conversation?

6 A. No, I don't.

7 Q. Do you know if Alison Chester --
8 do you have knowledge as you sit here today
9 as to whether Alison Chester agreed with
10 George Hesse in that phone conversation to
11 destroy your career?

12 MR. GOODSTADT: Objection.

13 A. No, I don't.

14 Q. Do you know if Alison Chester, in
15 that phone conversation with Mr. Hesse,
16 agreed to do anything with Mr. Hesse to
17 destroy your career?

18 MR. GOODSTADT: Objection.

19 A. No, I don't.

20 Q. Okay. So let's go back to the
21 names that we were talking about. You
22 allege that these officers were uncertified.
23 You also allege that they were unqualified.
24 In your mind, is there a difference between
25 being uncertified and unqualified as you use

1 K. Lamm

2 those terms in this Complaint?

3 A. Uncertified through Civil Service
4 and unqualified meaning the requirements as
5 per the Suffolk County Police Department.

6 Q. With regard to unqualified, is
7 that the -- is the failure to adhere to
8 certain requirements of the Suffolk County
9 Police Department the only basis for you to
10 believe that certain officers were
11 unqualified?

12 A. Unqualified meaning that
13 according to the standards of the Suffolk
14 County Police Department, to work in that
15 department would be unqualified.

16 Q. Okay. So you have a distinction
17 between uncertified and unqualified?

18 A. Yes.

19 Q. Okay. Perfect.

20 A. As my distinction.

21 Q. Yes. That's all. I'm only
22 asking about your distinction.

23 A. Just making it clear.

24 Q. You got it. You then go on --
25 well, there's an allegation that the careers

1 K. Lamm

2 of these uncertified and unqualified
3 personnel were advanced, what do you mean by
4 "advanced"?

5 A. They kept their jobs and we were
6 fired.

7 Q. Okay. Got it. Then you allege
8 that "while Defendant Loeffler, Mayor of
9 Ocean Beach, negligently permitted Hesse to
10 do so," do you see that?

11 A. See what?

12 Q. I'm sorry. Do you recall making
13 that allegation?

14 A. You have to repeat that, sir.

15 Q. Okay. You've alleged in
16 paragraph 176 the following, "as set forth
17 above, Defendant Hesse, Ocean Beach, OBPD
18 and Suffolk County Civil Service
19 deliberately retained and advanced the
20 careers of uncertified and unqualified
21 personnel who served alongside Plaintiffs as
22 police officers" -- and this is the key part
23 of the allegation -- "while Defendants" --
24 I'm not asking you to refer to that, unless
25 you need it.

1 K. Lamm

2 MR. GOODSTADT: You just read a
3 long paragraph.

4 Q. I understand. "While Defendant
5 Loeffler, Mayor of Ocean Beach, negligently
6 permitted Hesse to do so." Do you recall
7 making that allegation?

8 A. You just read that from here?

9 Q. Yeah. 176.

10 A. Do you mind if I take the time to
11 read that?

12 Q. Take the time to read that first
13 sentence of 176 and tell me when you're
14 done.

15 A. Are you only asking me about the
16 first sentence or the whole entire thing?

17 Q. That's -- just the first
18 sentence. If I ask you about the second
19 sentence, you be more than happy to read it.

20 A. Just making sure.

21 Q. You got it.

22 A. All right. And what was your
23 question to that?

24 Q. Well, the question was, do you
25 recall making that allegation?

1 K. Lamm

2 A. Right. Because they kept their
3 jobs.

4 Q. No. No. The question is just do
5 you recall making that allegation?

6 A. Yes.

7 Q. Okay. So now let's focus
8 specifically on that part of the allegation
9 that refers to Defendant Loeffler, do you
10 see that?

11 A. Yes.

12 Q. Now on April 2, 2006, when you
13 say your relationship with the Ocean Beach
14 Police Department ended, was Mr. Loeffler
15 the mayor?

16 A. No. I believe Natalie Rogers
17 was.

18 Q. And I believe you've alleged that
19 the -- the advancement of the careers that
20 you state in this paragraph refers to the
21 fact that you no longer were employed by
22 Ocean Beach, but other uncertified and
23 unqualified officers kept their jobs; is
24 that correct?

25 A. Yes.

1 K. Lamm

2 Q. Okay. What specifically can you
3 tell the jury that is going to be watching
4 this videotape, that Mr. Loeffler did prior
5 to April 2, 2006, that you allege permitted
6 Hesse to advance the careers of these
7 unqualified and uncertified officers?

8 A. Loeffler was the police liaison
9 of the department, so anything that happened
10 in that department, he would have known.

11 Q. How do you know that?

12 A. Because --

13 Q. Not that he was police liaison.
14 How do you know what the duties and
15 responsibilities are of the police liaison?

16 A. The police liaison, as to what I
17 understand it to be, is the overseer of the
18 department.

19 Q. How do you -- what is your
20 understanding based on? Did you read
21 something?

22 A. I didn't read anything.

23 Q. So you haven't read anything that
24 described what the duties and
25 responsibilities of the police liaison were,

1 K. Lamm

2 were you? Did you?

3 A. No.

4 Q. Did Mr. Loeffler ever tell you
5 what the duties and responsibilities of the
6 police liaison was?

7 A. No.

8 Q. How about Mayor Rogers, did she
9 ever tell you?

10 A. No.

11 Q. Did George Hesse ever tell you?

12 A. No.

13 Q. Did sergeant -- I'm sorry, did
14 Chief Paridiso ever tell you?

15 A. No.

16 Q. Did any board of trustee member
17 ever tell you?

18 A. No.

19 Q. Did any village official ever
20 tell you what the duties and
21 responsibilities of a police liaison were?

22 A. No.

23 Q. Did Mr. Nofi ever tell you?

24 A. No.

25 Q. How about Mr. Carter?

1 K. Lamm

2 A. No.

3 Q. How about Mr. Snyder?

4 A. No.

5 Q. How about Mr. Fiorillo?

6 A. No.

7 Q. Any police officer ever tell you
8 what the duties and responsibilities of the
9 police liaison was who worked for Ocean
10 Beach?

11 A. No.

12 Q. Did any human being ever tell you
13 what the duties and responsibilities were of
14 the police liaison for the Ocean Beach
15 Police Department prior to April 2, 2006?

16 A. No.

17 Q. Let's stick with you now,
18 Mr. Lamm. What danger were you exposed to
19 by the negligent retention of what you claim
20 to be unfit employees? Now my question is
21 not what damages have you suffered, my
22 question is, what dangers have you been
23 exposed to?

24 A. The dangers are --

25 Q. Or were you exposed to?

1 K. Lamm

2 A. Exposed to was that these
3 officers that were -- what did you say,
4 unfit?

5 Q. Well, you said unfit, sir.

6 A. Well, just now I'm saying what
7 you said.

8 Q. Okay.

9 A. Unfit, uncertified, unqualified.
10 You know, they were drinking on duty and
11 carrying a loaded fire arm. That could have
12 put anybody in danger. Also, for the fact
13 that being that they did not complete the
14 Suffolk County Police Academy, they did not
15 know the proper radio procedure as to call
16 in assistance or for back up or acknowledge
17 radio transmissions from any other officer.

18 Q. But my question to you, sir, is
19 what danger were you specifically exposed
20 to?

21 MR. GOODSTADT: Objection. He
22 just testified to it.

23 MR. NOVIKOFF: Okay. I don't
24 think he did, but I'm asking the
25 question again.

1 K. Lamm

2 A. That was all possible dangers
3 that could have happened.

4 Q. Okay. Then let me ask you this,
5 Mr. Lamm. What dangers in fact happened as
6 it pertains to you specifically that you
7 claim resulted from the negligent retention
8 of an unfit employee?

9 MR. GOODSTADT: Objection.

10 A. To me specifically, none. But to
11 the public, it could have been.

12 Q. Well, thank you for protecting
13 the public.

14 A. You're welcome.

15 MO Q. But my question is to you, sir --
16 and I'm going to move to strike the
17 answer -- what dangers specifically occurred
18 to you as a result of what you claim to be
19 the negligent retention of an unfit
20 employee?

21 MR. GOODSTADT: Objection.

22 A. None to me.

23 Q. Okay. In paragraph 178 -- and
24 I'll read it, it's a short paragraph -- "as
25 a direct and proximate result of Defendants

1 K. Lamm

2 Hesse, OBPD, Loeffler and Ocean Beach's
3 breach of duty to supervise, Plaintiffs have
4 been injured and have incurred damages
5 thereby." How have you, Mr. Lamm, been
6 injured as a result of Hesse, OBPD, Loeffler
7 and Ocean Beach's breach of a duty to
8 supervise?

9 MR. GOODSTADT: Objection.

10 A. I'm going -- what was that, 178?

11 MR. GOODSTADT: That's 178.

12 A. I'd like to look at that, if
13 that's okay.

14 Q. You can certainly look at it.
15 Take as much time as you want.

16 A. Thank you. (Reviewing).

17 Q. Would you like the question
18 repeated?

19 A. Sure.

20 MR. NOVIKOFF: If the court
21 reporter can read the question back.

22 (The requested portion was read.)

23 A. Nothing that directly pertains to
24 me.

25 Q. What damages have you incurred --

1 K. Lamm

2 withdrawn. What monetary damages have you
3 incurred as a result of what you claim to be
4 Defendants' Hesse, OBPD, Loeffler and Ocean
5 Beach's breach of duty to supervise?

6 MR. GOODSTADT: Objection.

7 A. None that I can think of at this
8 time.

9 Q. What injuries have you suffered,
10 Mr. Lamm, as a result of what you claim to
11 be a negligent retention of unfit employees?

12 MR. GOODSTADT: Objection.

13 A. Damages that I have suffered
14 is --

15 Q. No. The injuries. Not damages.
16 What injuries have you suffered. We'll get
17 to damages in the next question.

18 MR. GOODSTADT: Objection.

19 Q. So I'll repeat the question.
20 What injuries, what physical injuries have
21 you suffered as a result of what you claim
22 to be a negligent retention of unfit
23 officers?

24 MR. GOODSTADT: Objection.

25 Q. By Ocean Beach, by the Mayor --

1 K. Lamm

2 Mayor Loeffler, by Hesse and by any other
3 Defendant?

4 MR. GOODSTADT: Objection.

5 A. No -- no physical injury.

6 Q. What mental injury have you
7 suffered as a result of what you claim to be
8 the negligent retention of an unfit police
9 officer by Ocean Beach?

10 A. Just mentally I feel that after
11 all that I have been through to get that job
12 as a police officer and being certified,
13 it's disheartening to see that I no longer
14 work there and there are people that are
15 uncertified that still hold a police
16 position.

17 MR. GOODSTADT: Guys, let me
18 just note my objection to that last
19 question as well.

20 Q. What monetary damages do you
21 claim to have suffered as a result of what
22 you allege to be a negligent retention of an
23 unfit employee?

24 MR. GOODSTADT: Objection.

25 A. Furthering my career as a police

1 K. Lamm

2 officer where I could have advanced, and
3 also, I could have been working full time
4 for the Ocean Beach Police Department if I
5 had received a canvas letter after passing
6 that police test.

7 MO MR. NOVIKOFF: Motion to strike
8 as nonresponsive.

9 Q. Sir, you claim in this lawsuit
10 that while you were still employed by Ocean
11 Beach, they hired officers who were both
12 uncertified and unqualified, correct?

13 A. Correct.

14 Q. Okay. Now, my question to you
15 is, prior to the last day of your employment
16 with Ocean Beach, what monetary damages did
17 you suffer as a result of the retention of
18 what you claim to be uncertified and
19 unqualified police officers while you were
20 still employed by Ocean Beach?

21 MR. GOODSTADT: Objection.

22 MR. NOVIKOFF: Okay.

23 A. None that I can think of at this
24 time.

25 Q. Let's go to paragraph 177, and

1 K. Lamm

2 there's a reference to an incident that
3 occurred on October 30, 2004, do you see
4 that?

5 A. 177?

6 Q. Yeah, 177.

7 A. Of the same page?

8 Q. It starts on page 41 and goes on
9 to page 42. So if you need to read the
10 whole paragraph, that's fine, too.

11 MR. GOODSTADT: Why don't you
12 do that.

13 Q. And then tell me when you're done
14 reading it.

15 A. (Reviewing). Okay. I'm
16 completed.

17 Q. You've completed reading that?

18 A. Yes, sir.

19 Q. Okay. Now you see there's a
20 reference to an incident that took place on
21 October 30, 2004?

22 A. Okay.

23 Q. Would -- yes?

24 A. Go ahead.

25 Q. And would you agree with me that

1 K. Lamm

2 you've described this incident in the
3 Complaint as the Halloween incident?

4 A. Yes, sir.

5 Q. Okay. And we'll get into the
6 details of that after lunch, but would you
7 agree with me it involved allegations of a
8 fight involving a police officer and three
9 civilians?

10 A. Yes. Uncertified police officer.

11 Q. Well, thank you for adding that,
12 but police officers?

13 A. Just want to make it correct.

14 Q. Sure.

15 A. Welcome.

16 Q. Do you have any knowledge as to
17 whether or not any of these three civilians
18 who were involved in this alleged attack,
19 ever pled guilty to any crimes relating to
20 this incident?

21 A. If they ever pled guilty?

22 Q. Yeah.

23 A. To that crime?

24 Q. To any crimes involving the
25 events taken place on October 30, 2004 and

1 K. Lamm
2 to October 31, 2004?

3 A. I don't know. I'm unaware.

4 Q. You don't know if -- if
5 Mr. Vankoot ever allocuted to a charge as it
6 pertains to the events concerning the
7 Halloween incident?

8 A. My personal knowledge of whatever
9 he said of it, no. From --

10 Q. My question to you is, are you
11 aware of whether you were in a courtroom on
12 a particular date, whether you read it in
13 the newspaper, whether someone told you or
14 whether a rock was thrown through your
15 window, are you aware as to whether
16 Mr. Vankoot ever allocuted to a charge?

17 A. Yes. Yes.

18 Q. Okay. Are you aware as to
19 whether or not any of the other two
20 civilians ever allocuted to a charge
21 concerning any of the events that took place
22 in what is referred to as the Halloween
23 incident?

24 MR. GOODSTADT: Objection.

25 A. Yes.

1 K. Lamm

2 Q. Okay. What other civilian --
3 what other of the two civilians pled or
4 allocuted to a charge?

5 A. Chris Shalick. And I believe --
6 I believe it was John Tesoro, if that's
7 correct with the name.

8 Q. So if I understand correctly, all
9 three of the civilians that were involved in
10 the Halloween incident, allocuted to certain
11 criminal charges concerning the events of
12 that evening?

13 MR. GOODSTADT: Objection.
14 Just so we're clear, which three
15 civilians are you talking about,
16 because I think Gary Bosetti was a
17 civilian also that night and so was
18 Richie Bosetti?

19 Q. We're talking about -- okay. The
20 three you just mentioned, Tesoro, Shalick
21 and -- and Vankoot, those three civilians.

22 A. I'm not accurate about Tesoro
23 about a charge or not, but Christopher
24 Shalick, yes.

25 Q. Okay.

1 K. Lamm

2 A. And --

3 Q. Vankoot?

4 A. Vankoot, yes.

5 Q. What charge are you aware of that
6 Vankoot allocuted to?

7 A. I'm not specific if it was a
8 disorderly conduct or not, but I know that
9 there was something.

10 Q. What charge did Shalick allocute
11 to, to your knowledge?

12 A. Could have been a disorderly
13 conduct as well.

14 Q. How long after the Halloween
15 incident, to your knowledge, did these two
16 individuals allocute to these charges?

17 A. Several months after the incident
18 I believe.

19 Q. So we're still in the 2004 time
20 period?

21 A. No. I believe it was after that.

22 Q. You believe it was -- when you
23 say several months, if the incident was
24 October 30, 2004, what do you mean by
25 "several months"? Where does -- where does

1 K. Lamm

2 that take us in the calendar?

3 A. Probably sometime around the
4 month of June.

5 Q. June of 2005?

6 A. Um-hum.

7 Q. So you believe several months
8 is -- is eight months?

9 A. From by the -- I believe that's
10 when -- I didn't know anything about --
11 about this until June of 2005 as -- as to
12 know what exactly happened over it because
13 we were kept out of the loop of any type of
14 investigation. So I can only tell you from
15 that time span as to what I have heard.

16 MO MR. NOVIKOFF: Motion to strike
17 as nonresponsive.

18 Q. Is your definition of "several
19 months," eight months, sir?

20 MR. GOODSTADT: Objection.

21 A. Approximately seven months.

22 Q. And is it your testimony, sir,
23 that after the incident, the Halloween
24 incident, you were unaware of what
25 transpired regarding any of the alleged

1 K. Lamm

2 victims until June of 2005?

3 A. We were kept out of --

4 Q. Is that your testimony, yes or
5 no, that between the October 30 incident and
6 June of 2005, you were unaware of what
7 transpired with regard to these victims?

8 MR. GOODSTADT: Answer the
9 question the way you want to answer it.

10 Q. Can you answer that yes or no?

11 A. I don't know what fully happened.
12 How the termination was made.

13 Q. Can you answer the question yes
14 or no? If you can't, then you can't and
15 you'll tell me that. So I'm going to ask
16 you the question again. Is it your
17 testimony that after your involvement in
18 investigating the incident on the evening of
19 Halloween until June of 2005, you were
20 unaware of what transpired with regard to
21 the alleged victims?

22 MR. GOODSTADT: Objection.

23 Q. And if I'll ask --

24 MR. GOODSTADT: The testimony
25 is his testimony.

1 K. Lamm

2 Q. I'm asking for a yes or no, sir,
3 and if you can't answer yes or no, then
4 please tell me and I'll choose whether or
5 not to ask you a follow-up question.

6 MR. GOODSTADT: Objection.

7 A. No. I only know of what happened
8 after the time frame had passed.

9 MR. NOVIKOFF: Got it. Okay.

10 Let's take a lunch break. It's now
11 12:51.

12 THE VIDEOGRAPHER: The time is
13 12:51 p.m. Going off the record.

14 (A break was taken.)

15 THE VIDEOGRAPHER: The time is
16 1:38 p.m. Back on the record.

17 Q. Sir, do you recall in this
18 Complaint, asserting a cause of action
19 entitled "termination in violation of public
20 policy under state law"?

21 A. I don't recall right -- right
22 now.

23 Q. Well, I would ask you, since you
24 have the Complaint in front of you, to look
25 at page 40, and specifically, just the bold

1 K. Lamm

2 language in parentheticals under the "as and
3 for an 11th cause of action," and then once
4 you just look at that one sentence, tell me
5 if that refreshes your recollection.

6 A. (Reviewing).

7 Q. Sir, does reading that one
8 sentence refresh your recollection?

9 A. No.

10 Q. Okay. Well, what public policy
11 of New York State do you claim in this
12 lawsuit that my clients have violated?

13 MR. GOODSTADT: Objection.

14 Q. Okay. Now the answer won't be
15 there. That's why I'm asking the question.
16 What public policy of New York State are you
17 claiming in this lawsuit that my clients
18 have violated?

19 MR. GOODSTADT: Objection.

20 You can read the section if you want.

21 A. I can?

22 MR. GOODSTADT: Unless he
23 instructs you not to.

24 Q. Yeah. I don't think I need you
25 to read that to answer the question. If you

1 K. Lamm
2 don't know, you don't know.

3 A. I don't know at this time.

4 Q. Do you think reading the five
5 allegations set forth under the 11th cause
6 of action would help you answer that
7 question?

8 MR. GOODSTADT: Objection.

9 A. It may.

10 Q. Then why don't you go read
11 paragraphs 170 to 174, and tell me, after
12 you read that, if you can -- as to what
13 public policy of New York State you claim my
14 clients have violated?

15 MR. GOODSTADT: Objection.

16 A. (Reviewing). The exact public
17 policy I just -- I don't know.

18 Q. And if I asked you the same
19 question with regard to any of the
20 Defendants, would your answer be the same?

21 MR. GOODSTADT: Objection.

22 A. I can't speak for any of the
23 other Defendants.

24 Q. Oh no. My question is, what
25 public policy do you claim in this lawsuit

1 K. Lamm

2 that any of the Defendants violated as
3 alleged in your 11th cause of action?

4 MR. GOODSTADT: Objection.

5 A. At this time, I don't recall.

6 Q. Is there anything in your
7 possession, custody or control that would
8 refresh your recollection?

9 MR. GOODSTADT: Objection.

10 Q. Do you understand my question,
11 sir?

12 A. Why don't you try to rephrase it
13 a little better for me.

14 Q. Oh no. I think I phrased it
15 particularly well, so I'll ask the court
16 reporter to read the question back.

17 (The requested portion was read.)

18 MR. GOODSTADT: Note my
19 objection again.

20 A. I don't know.

21 Q. Let's go to paragraph 171, sir.
22 You allege the following, in part, "as set
23 forth above, Defendants terminated
24 Plaintiffs' employment because Plaintiffs
25 complied with and/or refused to violate laws

1 K. Lamm

2 and regulations governing law enforcement
3 personnel in Ocean Beach, Suffolk County and
4 the State of New York," do you see that?

5 A. Yes.

6 Q. What law and regulations
7 governing law enforcement personnel in Ocean
8 Beach, Suffolk County and the State of New
9 York did you comply with as you refer to it
10 in this allegation?

11 MR. GOODSTADT: Objection.

12 A. I complied with being an ethical
13 police officer.

14 Q. What law can you point to that
15 refers to being an ethical police officer?

16 MR. GOODSTADT: Objection.

17 A. I don't know.

18 Q. What regulation that's referenced
19 in paragraph 71 can you identify that refers
20 to being an ethical police officer?

21 MR. GOODSTADT: Objection.

22 A. Code of conduct in Ocean Beach.

23 Q. Okay. Any -- anything else?

24 MR. GOODSTADT: Objection.

25 A. Nothing at this time.

1 K. Lamm

2 Q. Okay. So you've testified that
3 you were terminated because you complied
4 with being an ethical police officer. What
5 other law or regulation, other than being an
6 ethical police officer, did you comply with
7 as you refer to it in this paragraph of the
8 Complaint?

9 MR. GOODSTADT: Objection.

10 A. I'm not for sure.

11 Q. Okay. Take the flip of it now.
12 What law or regulation governing law
13 enforcement personnel in Ocean Beach,
14 Suffolk County and the State of New York did
15 you refuse to violate?

16 MR. GOODSTADT: Objection.

17 Q. As you refer to it in paragraph
18 171 of the Complaint?

19 MR. GOODSTADT: Objection.

20 A. Repeat that, please.

21 MR. NOVIKOFF: Court reporter.
22 (The requested portion was read.)

23 A. I don't know.

24 Q. Did you know it when you read the
25 Complaint for truthfulness and accuracy?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 A. I may have.

4 Q. But you don't know it now?

5 MR. GOODSTADT: Objection.

6 Q. Is that your testimony?

7 A. My answer was my answer.

8 Q. Okay. Do you recall if you've
9 alleged as against Defendant Hesse and the
10 Ocean Beach Police Department, defamation
11 per se under state law in this Complaint?

12 A. Do I -- I don't think I
13 understand what you said there.

14 Q. Do you recall if you've alleged
15 against Hesse and the Defendant Ocean Beach
16 Police Department, that they have engaged in
17 what you identify as defamation per se under
18 state law in this Complaint?

19 MR. GOODSTADT: Objection. You
20 just said he identified it in the
21 Complaint.

22 Q. Do you recall doing that?

23 A. Yes.

24 Q. Did Mr. Loeffler defame you in
25 any manner?

1 K. Lamm

2 A. Not that I'm aware of.

3 Q. Did Mayor Rogers defame you in
4 any manner?

5 A. Not that I'm aware of.

6 MR. GOODSTADT: Objection.

7 Over objection.

8 Q. I'm sorry, as your counsel was
9 objecting, you were answering, so.

10 A. Not that I'm aware of.

11 MR. GOODSTADT: Just note my
12 objection to the question before it as
13 well.

14 MR. NOVIKOFF: It's noted.

15 Q. Let's look at 164A. You allege
16 "Defendants Hesse and OBPD published
17 defamatory statements about Plaintiffs,
18 including without limitation assertions
19 that: A. (Plaintiffs were dishonest men,
20 "rats" and rogue law enforcement officers)
21 April 2, 2006)." What did you mean when you
22 referred to April 2, 2006?

23 A. That was the day we were fired.

24 Q. Does that day have anything to do
25 with subparagraph A?

1 K. Lamm

2 A. Because I was accused of being a
3 Civil Service rat.

4 Q. Okay. Who accused you of being a
5 Civil Service rat?

6 A. George Hesse, Rich Bosetti and
7 Gary Bosetti.

8 Q. Okay. Well, did they do it
9 altogether? Yes or no. Were they together
10 at the same time when they accused you of
11 being a Civil Service rat?

12 A. No.

13 Q. Okay. When on April 2, 2006 did
14 George Hesse call you a Civil Service rat?

15 A. He didn't on April 2.

16 Q. When did George Hesse at any time
17 call you a Civil Service rat?

18 A. Approximately towards the summer
19 season of 2004.

20 Q. Did Mr. Hesse call you a Civil
21 Service rat in your presence, yes or no?

22 A. Not in my direct presence, but
23 within proximity.

24 Q. Did you hear Mr. Hesse call you a
25 Civil Service rat when you were in close

1 K. Lamm

2 proximity of him in the summer season of
3 2004?

4 A. Yes.

5 Q. Who else, if anybody, was
6 present, to your recollection, when
7 Mr. Hesse called you a Civil Service rat in
8 2000 -- in the summer season of 2004?

9 A. I don't recall.

10 Q. Okay. What specifically do you
11 recall hearing Mr. Hesse say with regard to
12 you being a Civil Service rat in the summer
13 season of 2004?

14 A. He stated that he's one of the
15 Civil Service rats.

16 Q. And did he use your name
17 specifically in this communication?

18 A. Yes.

19 Q. So what specifically did he say?

20 MR. GOODSTADT: Objection.

21 Asked and answered.

22 Q. In regard to him using your name?
23 You just testified that he said "he is one
24 of the Civil Service rats." Did he mention
25 your name specifically in this defamatory

1 K. Lamm

2 statement?

3 A. The name came out of Richard
4 Bosetti. My name.

5 Q. I'm only talking about George
6 Hesse now, sir. Did George Hesse
7 specifically refer to you, Kevin Lamm, by
8 name when he said the term "a Civil Service
9 rat"?

10 A. No. I don't believe so.

11 Q. Did he point at you when he said
12 this?

13 A. No.

14 Q. Where did this communication take
15 place?

16 A. That was inside the police
17 station.

18 Q. Now did he call you a Civil
19 Service rat, using those exact words, at any
20 point in time after the summer season of
21 2004?

22 A. That I don't recall.

23 Q. Did Mr. Hesse refer to you
24 specifically as a dishonest man at any point
25 in time?

1 K. Lamm

2 A. No.

3 Q. Did Mr. Hesse say anything in
4 your -- well, withdrawn. What, if
5 anything, did Mr. Hesse say that led you to
6 allege that he defamed you by asserting that
7 you were a dishonest man as you say in 164A?

8 MR. GOODSTADT: Objection.

9 A. Say the question again, please.

10 MR. NOVIKOFF: The court
11 reporter can read it back.

12 (The requested portion was read.)

13 A. I don't recall.

14 Q. Is there anything in your
15 possession, custody or control that would
16 refresh your recollection?

17 A. I don't think so.

18 Q. Did Mr. Hesse, in your -- well,
19 did Mr. Hesse ever call you "a rogue law
20 enforcement officer"?

21 A. I don't believe so.

22 Q. What, if anything, did George
23 Hesse say, that you are aware of, that led
24 you to allege in this Complaint that
25 Mr. Hesse asserted that you were a "rogue

1 K. Lamm

2 law enforcement officer"?

3 A. That one direct line may not
4 pertain to me.

5 Q. Did Mr. Hesse ever call you a
6 rat, separate and apart from calling you a
7 Civil Service rat in the summer season of
8 2004?

9 MR. GOODSTADT: Objection.

10 A. Just so that I clarify this, are
11 you saying the word "rat" separate from
12 "Civil Service rat"?

13 Q. Yeah. You've -- you've testified
14 I believe that in the summer season of 2004,
15 Mr. Hesse referred to you as a Civil Service
16 rat; am I correct?

17 A. Correct.

18 Q. Putting aside that specific
19 communication, did Mr. Hesse ever call you a
20 rat, to your knowledge?

21 A. Not to my knowledge.

22 Q. Let's look at 164B. Well,
23 actually, let's go back to Civil Service rat
24 in the summer season. When -- when did
25 Mr. Richard Bosetti call you a Civil Service

1 K. Lamm

2 rat?

3 A. Around the same time frame.

4 Q. Was it at the same time that
5 Mr. Hesse called you that?

6 A. Around the same time frame.

7 Q. Okay. How about Mr. Gary
8 Bosetti?

9 A. Around the same time frame as
10 well.

11 Q. Was anyone present when Richard
12 Bosetti called you a Civil Service rat?

13 A. Yes.

14 Q. Were you present?

15 A. Yes.

16 Q. Who else was present?

17 A. Outside the police station, Tom
18 Snyder.

19 Q. Anybody else?

20 A. There may have been others there,
21 but I don't recall.

22 Q. Who else -- who was present when
23 Gary Bosetti called you a Civil Service rat?

24 A. I don't recall.

25 Q. Were you present?

1 K. Lamm

2 A. I'm not sure.

3 Q. Did you respond to Richard
4 Bosetti when he called you a Civil Service
5 rat?

6 A. Yes. We spoke.

7 Q. What did you say to him?

8 A. He asked me a question if I did
9 go to Civil Service, and my answer was no.

10 Q. Was Tom Snyder present when
11 Mr. Bosetti asked you this question?

12 A. Tom Snyder was outside the police
13 station. The conversation took place
14 inside.

15 Q. Now did Mr. Bosetti's
16 communication regarding you being a Civil
17 Service rat take place inside or outside the
18 police station?

19 A. When I walked into the police
20 station, it was out -- it was outside.

21 Q. Now was that the extent of your
22 conversation with Mr. Bosetti, Richard
23 Bosetti, you asked him -- he asked you if
24 spoke to the Civil Service Department and
25 you said no, is that the extent of it?

1 K. Lamm

2 A. No. There was a little more to
3 it.

4 Q. Tell us.

5 A. Okay. He wanted to know if I
6 went to Civil Service and said anything
7 about him not being certified to try to make
8 him go through the testing procedure, and I
9 said, "No, I did not do that." He said,
10 "Then who did it?" I said, "I don't know
11 anything about this."

12 Q. Gary Bosetti, did you ever talk
13 to Gary Bosetti about him calling you a
14 Civil Service rat?

15 A. No.

16 Q. Ever talk to George Hesse about
17 him calling you a Civil Service rat?

18 A. My only response was that I did
19 not go to Civil Service.

20 Q. Okay. So when Mr. Hesse called
21 you a Civil Service rat, what, if anything,
22 did you say at that point in time to
23 Mr. Hesse?

24 A. Not at that time. After I spoke
25 to Richard Bosetti and later on sometime

1 K. Lamm

2 that night I said to George Hesse that I'm
3 not the one that went to Civil Service. I
4 don't know anything about it. I spoke to
5 Richie.

6 Q. Are you aware of anyone who went
7 to Civil Service on this issue?

8 MR. GOODSTADT: Objection.

9 A. I'm not aware of anyone that did.
10 But the only thing that led to the
11 understanding of it was that there were
12 officers from another department that were
13 seeking employment with other town, village
14 police departments, and when they found out
15 they had to go through requirements for
16 Civil Service, that's when it came about
17 that they stated that you don't need these
18 requirements to work in Ocean Beach.

19 MO MR. NOVIKOFF: Motion to strike
20 as nonresponsive.

21 Q. Let's go to 164B. You allege
22 that "Plaintiffs had conspired to inculcate
23 innocent police officers for acts of
24 brutality against innocent citizens (April
25 2, 2006)." What did you mean when you used

1 K. Lamm

2 the word "inculcate" --

3 MR. GOODSTADT: Objection.

4 Q. -- in this allegation?

5 MR. GOODSTADT: Objection.

6 A. That may not specifically pertain
7 to me.

8 Q. Okay. So you don't think B
9 pertains to you?

10 A. It may not. There's five --
11 there's five of us on this lawsuit.

12 Q. Sir, I'm asking you. This is
13 your deposition. Does subparagraph B apply
14 to you, because if it doesn't, then I can
15 move on to C.

16 MR. GOODSTADT: Objection.

17 A. No. Not me.

18 Q. Okay. Let's go to C, then. You
19 allege that Hesse and the OBPD asserted that
20 "Plaintiffs had conspired to disqualify
21 fellow officers from continued employment
22 with the OBPD without cause (April 2,
23 2006)." Does C apply to you?

24 MR. GOODSTADT: Objection.

25 A. Yes.

1 K. Lamm

2 Q. Okay. Then let me ask you a
3 question. What did Mr. Hesse say that forms
4 the basis for your allegation that he
5 asserted that "Plaintiffs had conspired to
6 disqualify fellow officers from continued
7 employment with the OBPD without cause"?

8 A. Because I couldn't continue my
9 employment there. I -- I was seeking out a
10 full-time job there off that -- off a list,
11 and I couldn't continue employment because I
12 was fired.

13 MO MR. NOVIKOFF: Well, motion to
14 strike.

15 Q. I'm asking you, sir,
16 specifically, what did Mr. Hesse say which
17 you allege was published, that leads you to
18 form the allegation in C that "Plaintiffs
19 had conspired to disqualify fellow officers
20 from continuing employment with the OBPD
21 without cause"?

22 A. I don't recall.

23 Q. And is there anything in your
24 possession, custody or control that would
25 refresh your recollection?

1 K. Lamm

2 A. I don't believe so.

3 Q. Okay. Let's look at D. When did
4 Mr. Hesse assert "Officer Lamm is a loser
5 and no one likes him"?

6 A. He said that when he gave a case
7 of beer back to an underage minor, Paul
8 Conway, and to the friends of his outside
9 the police station. I heard Hesse say it
10 when I was standing behind his back.

11 MO MR. NOVIKOFF: I'm going to
12 move to strike.

13 Q. When, sir? What -- what time
14 period?

15 A. It was the springtime. I believe
16 it was approximately 2004.

17 Q. Okay. When did Mr. Hesse assert,
18 as you allege, that your, Officer Lamm's
19 "lawful directives should be freely
20 ignored"?

21 A. At that same time when he gave a
22 case of beer back to the individuals on the
23 date I just stated.

24 Q. Okay. Let's look at E. What
25 specific employer did Mr. Hesse advise, with

1 K. Lamm

2 regard to you, that you were terminated for
3 cause and that you, Mr. Lamm, was litigious?

4 A. Did you say E? We're looking at
5 E?

6 Q. E, yeah. 164E.

7 A. Okay. Can we go over that again,
8 please?

9 MR. NOVIKOFF: You know what,
10 we got about a half minute left of the
11 tape. Why don't we change the tape,
12 stay here, and we'll get right back on
13 the record.

14 THE VIDEOGRAPHER: This ends
15 tape number three. The time is 2:05
16 p.m. We're going off the record.

17 (A break was taken.)

18 THE VIDEOGRAPHER: This begins
19 tape number four. The time is 2:11
20 p.m. Back on the record.

21 Q. Sir, what -- let's go back to
22 164E. You allege that "Defendant Hesse and
23 OBPD published defamatory statements about
24 Plaintiffs including without limitation
25 assertions that," now let's go to E. "By

1 K. Lamm

2 repeatedly advising prospective employers
3 that he had terminated Plaintiffs for
4 cause," do you see that?

5 A. Yes.

6 Q. What employer did Mr. Hesse
7 advise -- withdrawn. What prospective
8 employer did Mr. Hesse advise that you,
9 Mr. Lamm, was terminated for cause?

10 A. That would be the unfavorable
11 recommendation that he wrote about on me
12 that I found out through Chris Moran to
13 Suffolk County application section.

14 Q. What you testified to this
15 morning?

16 A. Yes.

17 Q. Okay. What prospective employer
18 did Mr. Hesse advise that you, Mr. Lamm,
19 were "litigious"?

20 A. I don't recall at this time.

21 Q. Did Mr. Moran ever tell you that
22 Mr. Hesse told him that he had told the
23 Suffolk County Police Department that you
24 were "litigious"?

25 A. I don't recall.

1 K. Lamm

2 Q. What prospective employer did
3 Mr. Hesse advise that with regard to you,
4 Mr. Lamm, that he could not comment
5 favorably on your performance as a police
6 officer?

7 A. That -- that one thing may not
8 pertain to me.

9 Q. Okay. Let's go to paragraph 168.
10 Without going through, again, what the
11 alleged defamatory comments were that you've
12 testified to, how have they caused you
13 "severe mental anguish and pain" as you
14 allege in 168?

15 MR. GOODSTADT: Objection.

16 A. The fact -- the fact that I'll
17 never be a police officer again.

18 Q. No. I understand that. But my
19 question is -- well, okay. I'll ask you
20 this question then. Describe the severe
21 mental anguish and pain that you have
22 suffered as a result of the defamatory
23 communications that you've testified to
24 today.

25 A. I'm sorry, can you repeat that?

1 K. Lamm

2 I was focusing on the --

3 (The requested portion was read.)

4 A. It's just very disheartening that
5 I will never be a police officer again or
6 further myself in any type of law
7 enforcement capacity like that. That's it.

8 Q. Have you seen a mental health
9 professional concerning what you claim to be
10 the suffering of severe mental pain and
11 anguish?

12 A. No, I haven't.

13 Q. Have you seen any medical
14 professional concerning what you claim to be
15 the suffering of severe mental anguish and
16 pain?

17 A. No, I haven't.

18 Q. What financial obligations have
19 you been unable to meet as a result of the
20 defamatory conduct -- communications that
21 you allege to have taken place as you
22 testified to?

23 MR. GOODSTADT: Objection.

24 A. That one statement may not
25 pertain to me directly.

1 K. Lamm

2 Q. Well, may not or does not?

3 A. Does not.

4 Q. Okay. Is it your claim in this
5 case that because of the alleged defamatory
6 communications testified to today, that you
7 have been prevented from enjoying life?

8 A. Yes. I enjoyed my life as a
9 police officer and I am no longer a police
10 officer.

11 Q. So is it your claim in this case
12 that as of the date of the alleged
13 defamatory statements that you claim to have
14 been made, you stopped enjoying all aspects
15 of life?

16 MR. GOODSTADT: Objection.

17 A. I enjoyed my life as a police
18 officer.

19 Q. My question to you, sir, is, have
20 you stopped enjoying all aspects of life as
21 a result of the alleged defamatory
22 statements you claim to be made by
23 Mr. Hesse?

24 MR. GOODSTADT: Objection.

25 A. I was forced to stop enjoying

1 K. Lamm

2 life as a police officer.

3 Q. Okay. So other than enjoying
4 life as a police officer, you continue to
5 enjoy life?

6 MR. GOODSTADT: Objection.

7 A. As -- as best as I can.

8 Q. Okay. What emotional injury have
9 you suffered as you allege it to have taken
10 place in 168?

11 MR. GOODSTADT: Objection.

12 A. The injury knowing that I will
13 never be a police officer or work in a law
14 enforcement capacity again.

15 Q. Other than that, any other
16 emotional injury that you claim to have
17 been -- have suffered in this case as a
18 result of the defamatory statements by
19 Mr. Hesse?

20 MR. GOODSTADT: Same objection.

21 A. That is all.

22 Q. Okay. Let's look at -- well, do
23 you recall alleging a claim for relief in
24 this Complaint, asserting a violation by the
25 Ocean Beach Police Department and the -- and

1 K. Lamm

2 the village of Ocean Beach under the New
3 York Labor Law, Section 740?

4 A. I don't recall.

5 Q. Turn to page 38. Read the bolded
6 language in the parentheticals under "Ninth
7 Cause of Action" and tell me if that
8 refreshes your recollection?

9 A. (Reviewing). Which number was
10 that?

11 Q. Page 38 of your Complaint.

12 MR. GOODSTADT: He's talking
13 about these two bolded lines
14 (indicating).

15 A. What about it?

16 Q. Does reading that one line that
17 your counsel pointed to refresh your
18 recollection as to whether you have claimed
19 in this case that Defendants have violated
20 New York State Labor Law, Section 40?

21 A. I don't recall.

22 Q. Okay. Let's look at 158, and
23 I'll read what you've alleged. "While
24 employed by the OBPD and Ocean Beach,
25 Plaintiffs had repeated exposure to

1 K. Lamm

2 activities, policies and practices of OBPD,
3 Ocean Beach and Defendant Hesse, which
4 create a substantial and specific danger to
5 the public health and safety and which
6 violate applicable laws, rules and
7 regulations including," do you see that?

8 A. Yes, I do.

9 Q. Let's look at number one.

10 "Police officers drinking while on duty (in
11 the police station, in local bars and while
12 driving OBPD vehicles both inside and out of
13 Ocean Beach)." How many times did you,
14 Mr. Lamm, personally witness police officers
15 drinking while on duty in the police
16 station? I'm just looking for a number now.

17 A. You're gonna get it.

18 Q. Okay.

19 A. Approximately seven times.

20 Q. How many times in 2000?

21 A. In 2000. I don't recall in 2000.

22 Q. How many times in 2001, if any?

23 A. I don't recall in 2001.

24 Q. How many times in 2001?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 Asked and answered.

3 Q. Did I ask you 2000 -- oh, yeah.
4 I'm sorry. How many times in 2002?

5 A. I believe twice.

6 Q. How many times in 2003?

7 A. I think twice.

8 Q. How many times in 2004?

9 A. Three times.

10 Q. How many times in 2005?

11 A. I don't recall 2005.

12 Q. How many times in 2006?

13 A. Didn't work there 2006.

14 Q. How many times did you see police
15 officers drinking in local bars while you
16 were employed by Ocean Beach?

17 A. For what year?

18 Q. All years, and then we'll break
19 it down. While on duty now. This is all
20 I'm interested in.

21 A. Approximately in the area of 10.

22 Q. How many times in 2000 zero? How
23 many times in 2000?

24 A. I don't recall.

25 Q. How many times in 2001?

1 K. Lamm

2 A. I don't recall.

3 Q. How many times in 2002?

4 A. Two or three times.

5 Q. How many times in '03?

6 A. Approximately four times.

7 Q. How many times in '04?

8 A. Approximately four.

9 Q. How many times in '05?

10 A. Don't recall 2005.

11 Q. Now let's look at 159. You
12 allege that "Plaintiffs repeatedly notified
13 Hesse, their superior and direct superior,
14 of these violations of laws, rules and
15 regulations," do you see that?

16 MR. GOODSTADT: Objection.

17 A. Yes.

18 Q. That's a truthful and accurate
19 statement, sir?

20 A. On behalf of myself, yes.

21 Q. Yeah. Again, all I'm asking you
22 is about you now. Is that a truthful and
23 accurate statement?

24 A. Yes.

25 Q. And when you say -- you use the

1 K. Lamm

2 phrase "their superior and direct superior,"
3 you're just referring to George Hess, right?

4 MR. GOODSTADT: It says "direct
5 supervisor."

6 Q. Oh, I'm sorry. When you use the
7 phrase "their superior and direct
8 supervisor," you're referring to Mr. Hesse?

9 A. Mr. Hesse, and also, whoever he
10 may have directed to be supervisor that
11 night if he wasn't there.

12 Q. Okay. Well, with regard to --
13 Mr. Lamm, to you, Mr. Lamm, did you ever
14 repeatedly complain to anyone other than
15 Mr. Hesse with regard to 158, 1?

16 A. Another officer.

17 Q. Yes.

18 A. Yes.

19 Q. Who?

20 A. Ken Bockelman.

21 Q. Was Ken Bockelman a supervisor of
22 that night shift at that time you complained
23 to him?

24 A. He was put in charge of that
25 night.

1 K. Lamm

2 Q. By Mr. Hesse?

3 A. Yes.

4 Q. So other than Mr. Bockelman on
5 that one -- was it only one occasion that
6 you complained to Mr. Bockelman?

7 A. I believe it was twice.

8 Q. Twice. When? What year did you
9 first complain to Mr. Bockelman?

10 A. I think it was -- I believe it
11 was 2004.

12 Q. And the second time you
13 complained to Bockelman?

14 A. Of the same year.

15 Q. Okay. So if 159 is correct, you
16 complained to only Mr. Hesse in 2002,
17 correct, about 158, 1?

18 A. Only to Hesse and --

19 Q. No. In -- in 2002 I'm talking
20 about. I'll -- I'll rephrase the question.
21 If 159 is correct, in 2002, you only
22 complained to Mr. Hesse concerning on duty
23 officers drinking in the police station and
24 in local bars, correct?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 He's the only superior or supervisor.

3 MR. NOVIKOFF: I don't know
4 what you mean. You got an objection,
5 that's fine.

6 Q. Sir, the question is -- and I'll
7 repeat it -- if 159 is correct, then the
8 only person in 2002 that you complained to
9 was Mr. Hesse concerning police officers
10 drinking while on duty in the police station
11 and in local bars?

12 MR. GOODSTADT: Objection.

13 A. At that time for 2002, something
14 was said to Hesse. Yes.

15 Q. Right. Only -- only asking about
16 you now. And if 159 is correct, then in
17 2003 the only person that you complained to
18 with regard to police officers drinking
19 while on duty in the police station and in
20 local bars was Mr. Hesse, correct?

21 A. Correct.

22 Q. In 2004, you would have
23 complained to Mr. Hesse and on two occasions
24 Mr. Bockelman?

25 A. Correct.

1 K. Lamm

2 Q. Okay. Do you have any -- well,
3 were you present in an OBPD vehicle while it
4 was in motion that a police officer, while
5 on duty, was drinking?

6 A. Yes, I was.

7 Q. Okay. On how many occasions were
8 you present in a moving Ocean Beach Police
9 Department vehicle when a police officer who
10 was on duty was drinking?

11 A. Twice.

12 Q. What -- when was the first time
13 that you were present?

14 A. 2003.

15 Q. When was the second time?

16 A. Later of that same year.

17 Q. Okay. When you say "later of
18 that same year," are you referring to --

19 A. Later in the season.

20 Q. Okay. The first time in 2003,
21 when in the season did you -- were you
22 present?

23 A. Towards the beginning of the
24 season.

25 Q. Okay. That would have been when?

1 K. Lamm

2 When's -- when do you view the beginning of
3 the season to be?

4 A. I'm going to go with the
5 beginning of the season somewhere around the
6 month of May, June.

7 Q. Okay. And who was driving the
8 vehicle?

9 A. Rich Bosetti.

10 Q. Was he driving the vehicle on
11 both occasions in 2003?

12 A. Yes.

13 Q. Was he drinking while he was
14 driving?

15 A. Yes.

16 Q. Okay. Did he physically have a
17 container of alcohol in his hand while he
18 was driving?

19 A. Yes. Labeled "Budweiser."

20 Q. Okay. So he had a Budweiser.
21 Was he, in your opinion, inebriated while he
22 was driving on either of these two
23 occasions?

24 A. Depending on how much he had, you
25 know.

1 K. Lamm

2 Q. Sir, you're the police officer.
3 In your opinion, was Mr. Bosetti, on either
4 of these two occasions, inebriated while
5 driving the OBPD vehicle in which you were
6 present?

7 A. Depending on what he had
8 beforehand, you know, I don't know how much
9 he drank beforehand, but --

10 Q. Given your observation of him,
11 did you have an opinion as to whether or not
12 he was inebriated?

13 A. The first time I would say no.

14 Q. The second time?

15 A. The second time I would have to
16 say yes.

17 Q. Okay. And this was in 2003,
18 correct?

19 A. That's correct.

20 Q. And who else, if anybody, was
21 present in the vehicle the first time?

22 A. I don't recall.

23 Q. Who else, if anybody, was present
24 in the vehicle the second time?

25 A. I don't recall at this time.

1 K. Lamm

2 Q. Where were you sitting?

3 A. Back seat.

4 Q. Both times?

5 A. Yes.

6 Q. Do you know if anyone was present
7 in the front seat?

8 A. There was, but I don't recall who
9 it was.

10 Q. Okay. So now you know that
11 someone was present, but you don't know who
12 it was?

13 A. Yes.

14 Q. Okay. With regard to the second
15 occasion -- well, would it -- would it be
16 fair, sir, that if 159 of your Complaint is
17 accurate, you complained only to George
18 Hesse on each of these occasions that
19 Mr. Bosetti was driving with a Budweiser can
20 in his hand?

21 A. Yes.

22 Q. Okay. Now the second time when
23 Mr. Bosetti, in your opinion, was
24 inebriated, did you advise Mr. Hesse that he
25 was inebriated?

1 K. Lamm

2 A. Yes.

3 Q. Did you attempt to arrest
4 Mr. Richie Bosetti for driving under the
5 influence of alcohol?

6 A. No.

7 Q. Is driving with an open container
8 a violation of the law?

9 A. The open container --

10 Q. Is driving with an open container
11 of alcohol --

12 A. -- occurred outside the village
13 of Ocean Beach, which is outside our
14 jurisdiction.

15 Q. Sir, is, to your knowledge,
16 driving in New York State with an open
17 container of alcohol a violation of the law?

18 A. Yes, it is.

19 Q. Okay. Would you agree with me
20 that it's a violation of New York State law
21 to drive while inebriated?

22 A. Yes.

23 Q. Okay. Now the first time that
24 Mr. Bosetti was driving in your presence,
25 where was the -- where was the vehicle in

1 K. Lamm

2 motion when you saw that Mr. Bosetti was
3 drinking a Budweiser?

4 A. On the beach.

5 Q. In Ocean Beach?

6 A. It was outside of Ocean Beach.

7 Q. Where did the vehicle start its
8 journey from, sir?

9 A. Ocean Beach.

10 Q. Did Mr. Bosetti wait until he
11 went outside the jurisdiction of Ocean Beach
12 before he opened up the can of Budweiser?

13 A. Exactly when the can was opened I
14 don't know, but when I saw him drink it, it
15 was outside of Ocean Beach.

16 Q. What jurisdiction was Mr. Bosetti
17 in in the car when he had the open container
18 of alcohol?

19 A. National seashore.

20 Q. National seashore?

21 A. Yes.

22 Q. Is that a village?

23 A. No. It's federal property.

24 Q. Oh, so Mr. Bosetti was driving
25 with an open container of alcohol on federal

1 K. Lamm

2 property, is that your testimony?

3 A. Yes. And it's also Suffolk
4 County as well.

5 Q. Okay. Second time, where --
6 when did Mr. Bosetti begin his journey in
7 this car, in this vehicle?

8 A. Started in Ocean Beach.

9 Q. Was he inebriated, in your
10 opinion, when he started the vehicle up in
11 Ocean Beach?

12 A. I don't know. That I don't know.

13 Q. Where did the vehicle end up?

14 A. The Fire Island Lighthouse.

15 Q. Okay. The second time when you
16 complained to Mr. Hesse about Mr. Bosetti
17 specifically being inebriated, what was
18 Mr. Hesse's reaction?

19 A. He says, "I'll take care of it."

20 Q. And did he?

21 A. I don't know if he ever spoke to
22 him or not.

23 Q. Okay. Would you agree with me
24 that someone driving in a car under the
25 state of alcohol -- withdrawn. Would you

1 K. Lamm

2 agree with me that someone driving a vehicle
3 in an inebricated state poses a severe and
4 significant risk to the public?

5 A. Yes.

6 Q. Okay. Did you complain to
7 sergeant -- to Chief Paridiso about this --
8 about the fact that Mr. Bosetti was driving
9 a village vehicle while drunk?

10 A. No. I spoke to George Hesse, my
11 supervisor. The chain of command.

12 Q. Did you complain to Mr. Paridiso,
13 sir?

14 A. No. I spoke to George Hesse, my
15 supervisor, chain of command.

16 Q. Did you complain to Mayor Rogers,
17 sir? I understand.

18 MR. GOODSTADT: You got to let
19 him finish the answer. You can make
20 your --

21 MR. NOVIKOFF: He says he's
22 complained to Mr. Hesse.

23 MR. GOODSTADT: You can make
24 your motion to strike if you want, but
25 you got to let the guy finish his

1 K. Lamm

2 answer.

3 Q. My question, sir, yes or no, for
4 the jury, if you want to look at the jury --

5 A. I've already answered it.

6 Q. Did you complain to Chief
7 Paridiso about the fact that you witnessed
8 Richard Bosetti driving drunk in a Ocean
9 Beach vehicle?

10 A. No. I responded -- spoke to
11 George Hesse, my immediate supervisor. Went
12 through the chain of command.

13 MO MR. NOVIKOFF: Motion to strike
14 as nonresponsive after the word "no."

15 Q. Sir, did you complain to any
16 trustee concerning the fact that you
17 witnessed Richard Bosetti driving drunk in a
18 village vehicle?

19 A. No.

20 Q. Did you complain to Mayor Rogers
21 concerning the fact that you witnessed
22 May -- Richard Bosetti driving drunk in a
23 village vehicle?

24 A. No.

25 Q. Would you agree with me, sir,

1 K. Lamm

2 that -- well, is it your opinion, sir, that
3 a -- a police officer who is drinking while
4 on duty, in any setting, poses a risk to the
5 public health and safety?

6 A. Yes.

7 Q. Did you ever complain to any
8 trustee concerning your witnessing, on no
9 less than 17 occasions, the fact that police
10 officers were drinking while on duty?

11 A. No.

12 Q. Can you tell the jury, sir, who's
13 going to see this videotape, whether or not
14 you ever complained to either Trustee
15 Loeffler or Mayor Rogers concerning the fact
16 on no less than 17 occasions, you saw on
17 duty police officers drinking alcoholic
18 beverages?

19 A. No. I spoke to Sergeant Hesse,
20 who was my immediate supervisor, and he
21 stated he would take care of the situation.
22 Chain of command.

23 MO MR. NOVIKOFF: Motion to strike
24 as nonresponsive after the word "no."

25 Q. But you know what, sir, Mr. Hesse

1 K. Lamm

2 didn't take care of the situation in 2003,
3 did he?

4 A. I don't know what he said to
5 them.

6 Q. Well, sir, they -- according to
7 your testimony, you witnessed in 2004
8 incidents of police officers drinking while
9 on duty, correct?

10 A. Yes.

11 Q. Would that lead you to conclude
12 that Mr. Hesse didn't take care of the
13 situation after you complained to him in
14 2003?

15 A. I don't know what he had said to
16 them.

17 Q. Would you agree with me, sir,
18 that the fact that the drinking continued in
19 2004, would mean that Mr. Hesse didn't take
20 care of the situation in 2003?

21 A. I don't know what he could have
22 said to them. I don't know if there was any
23 -- any type of punishment given. I don't
24 know.

25 Q. Okay. Would you agree with me,

1 K. Lamm

2 sir -- withdrawn. Let's look at 158, 2.
3 You allege that "failure to follow
4 department policy regarding proper
5 supervision of police weapons." What policy
6 are you referring to?

7 A. (Reviewing). There would be
8 loaded weapons upstairs in the police
9 barracks with the lockers open.

10 Q. Yes. I'm aware of what you're
11 alleging. But my question is, what policy
12 regarding proper supervision of police
13 weapons are you referring to? What is the
14 specific policy?

15 A. I can't recall at this time.

16 Q. Okay. Now was this policy that
17 you can't recall at this -- well,
18 withdrawn. Is there anything in your
19 custody, possession or control that would
20 refresh your recollection as to what the
21 specific policy was?

22 A. Not that I'm aware of.

23 Q. Well, was this policy that you
24 don't recall at this point in time, violated
25 in 2000?

1 K. Lamm

2 A. No.

3 Q. 2001?

4 A. No.

5 Q. 2002?

6 A. No.

7 Q. 2003?

8 A. No.

9 Q. 2004?

10 A. I believe that is somewhere
11 around the time frame.

12 Q. 2005?

13 A. I don't recall.

14 Q. How many times in 2004 was this
15 policy violated that you are aware of?

16 A. I'm not sure the specific number.

17 Q. Was it at least one?

18 A. Yes.

19 Q. If 159 of your Complaint is
20 accurate, did you complain to George Hesse?
21 I'm sorry, was George Hesse the only person
22 you complained to?

23 A. Yes.

24 Q. Okay. When in 2004 did you
25 complain to Mr. Hesse for the first time?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 A. Approximately in the middle of
4 the summer season.

5 Q. Okay. Look at number three, sir.
6 You allege "directives from Hesse insisting
7 that police officers allow drug dealers and
8 other criminals to violate the law with
9 impunity in Ocean Beach," do you see that?

10 A. Yes, I do.

11 Q. When you use the word
12 "directive," is it a written directive or a
13 verbal directive?

14 A. Verbal.

15 Q. Okay. Did Mr. Hesse give you
16 a -- well, withdrawn. What drug dealer, if
17 any, are you referring to when you make this
18 allegation?

19 A. Mitch Burns.

20 Q. And Mitch Burns, is he -- has he
21 been convicted of anything, to your
22 knowledge?

23 A. I don't recall.

24 Q. So if you don't recall if he's
25 been convicted of anything, how do you claim

1 K. Lamm

2 that he was a known drug dealer?

3 A. From Hesse.

4 Q. What did he -- okay. Go ahead.

5 I don't mean to interrupt. From Hesse.

6 Continue.

7 A. From Hesse, he said that he gets
8 his information from Mitch Burns because he
9 had these Fentanyl lollipops that he has
10 been handing out, and he was -- we were told
11 not to touch him.

12 Q. Any other source, other than what
13 Mr. Hesse said, that leads you to believe
14 that Mitch Burns is a known drug dealer?

15 A. I can't recall at this time.

16 Q. What's a Fentanyl lollipop?

17 A. To my understanding, it was some
18 type of relaxer that was a drug in the shape
19 of a lollipop on a stick.

20 Q. Okay. When you say -- when you
21 say "relaxer," what do you mean?

22 A. That was my only understanding of
23 it. Just made you seem relaxed. I don't
24 know. Don't know too much about it.

25 Q. But if I understand your

1 K. Lamm

2 testimony correctly, you are aware -- you
3 were aware in 2004 that there was someone on
4 Ocean Beach handing out lollipops that were
5 illegal narcotics; is that true?

6 A. How many of them, I don't know.

7 Q. I didn't ask you how many. I
8 just said -- and I'll re-ask the question --
9 if I understand your testimony correctly,
10 you were aware, in 2004, that there was an
11 individual in Ocean Beach that was handing
12 out at least one lollipop that was really an
13 illegal narcotic; is this correct?

14 A. I only knew that from George
15 Hesse.

16 Q. Okay. So you knew that from
17 George Hesse?

18 A. Only from George Hesse.

19 Q. You didn't think it would have
20 been appropriate to advise Chief Paridiso
21 that there was a known drug addict handing
22 out lollipops that were illegal narcotics?

23 MR. GOODSTADT: Objection.

24 A. I am sure George Hesse, being
25 that he's a supervisor, would take care of

1 K. Lamm

2 that and make the proper memorandums.

3 Q. Wait a minute. Let me understand
4 your testimony. On one hand, Mr. Hesse is
5 telling you to lay off a known drug dealer,
6 and on the other hand you're saying you were
7 sure that Mr. Hesse was going to go up the
8 chain of command with this information, is
9 that your testimony?

10 A. My testimony was that we were
11 told to stay away from Mitch Burns, but at
12 the same fact, through George Hesse, he said
13 that he has what is called a Fentanyl
14 lollipop.

15 Q. Okay.

16 A. Okay?

17 Q. I think I got your answer. So,
18 again, is it your testimony that you knew,
19 you were aware through Mr. Hesse that there
20 was a known drug dealer handing out illegal
21 narcotics in the form of a lollipop and you
22 didn't advise Chief Paridiso?

23 A. I don't know if he was handing
24 them out. As I said, it was only
25 information from George Hesse.

1 K. Lamm

2 Q. Did you advise Chief Paridiso of
3 anything with regard to a known drug dealer
4 possessing an illegal narcotic in the form
5 of a lollipop?

6 A. No.

7 Q. And you didn't advise Mayor
8 Rogers, did you?

9 A. No.

10 Q. And you didn't advise any
11 internal affairs officer of the Suffolk
12 County Police Department, did you?

13 A. No.

14 Q. And you didn't advise anyone from
15 the Suffolk County Police Department, did
16 you?

17 A. No.

18 Q. In fact, other than complaining
19 to George Hesse as you allege, you did
20 nothing, correct?

21 A. I listened to what George Hesse
22 said.

23 Q. Other than complaining to George
24 Hesse as you claim in 159, you did nothing
25 with regard to advising any other human

1 K. Lamm

2 being in a position of authority that there
3 was a drug dealer on Ocean Beach possessing
4 an illegal narcotic in the form of a
5 lollipop, true?

6 A. No. I did nothing.

7 Q. And in fact, this is a lollipop,
8 sir, correct, that you were referring to,
9 right?

10 A. Again --

11 Q. Right? It was a lollipop?

12 A. Again, I don't know the specifics
13 of it.

14 Q. Well, Mr. Hesse said he had a
15 lollipop, right? Mr. Hesse said that
16 Mr. Burns had an illegal narcotic in the
17 shape of a lollipop, correct?

18 A. Whether it was on him or not, I
19 don't know.

20 Q. Lollipops, in your experience,
21 are things that children like to eat and
22 suck on, correct?

23 A. Not all children, but maybe.

24 Q. Not all, but some children, you'd
25 agree with me, right? When you were a

1 K. Lamm

2 child, did you suck on a lollipop?

3 MR. GOODSTADT: Objection.

4 A. Maybe I have.

5 Q. Okay. Wasn't it a concern of
6 yours that there was a person, according to
7 Mr. Hesse, on Ocean Beach, that had an
8 illegal narcotic that looked like a
9 lollipop, that God forbid a child would have
10 found on the street and started eating,
11 wasn't that a concern of yours as a police
12 officer?

13 MR. GOODSTADT: Objection.

14 A. Lots of things could have --
15 could have happened I'm sure.

16 Q. I'll take that as a yes.

17 MR. GOODSTADT: Objection.

18 Q. Let's look at 160. I'm sorry,
19 162. What promotional opportunities were
20 you denied of as a direct and proximate
21 result of what you alleged in 158, 159, 160
22 and 161?

23 A. Promotional opportunities could
24 have been my full-time position with Ocean
25 Beach.

1 K. Lamm

2 Q. Were you ever offered a full-time
3 position at Ocean Beach?

4 A. No.

5 Q. Did a full-time position ever
6 open up at Ocean Beach while you were
7 employed by Ocean Beach?

8 A. After I was fired.

9 Q. Okay. My question to you, sir,
10 is before the time that you -- that your
11 employment relationship with Ocean Beach
12 ended, did a full-time position open up at
13 Ocean Beach?

14 A. There was a full-time position
15 open because before I was fired, George
16 Hesse made mention that the village was
17 looking to hire somebody full time.

18 Q. And how long before the end of
19 your employment relationship did George
20 Hesse make this comment?

21 A. Approximately four months.

22 Q. And was that position filled
23 before the date that your employment
24 relationship ended?

25 A. Not that I'm aware of. I

1 K. Lamm

2 wouldn't know.

3 Q. Okay. Well, did you learn, prior
4 to the last day of your employment, that
5 that full-time position had been filled?

6 A. Not that I'm aware of.

7 Q. And do you really believe that
8 you had the requisite skill set to be given
9 a full-time position with the Ocean Beach
10 Police Department?

11 A. Sure.

12 Q. Okay. You were a part-time cop,
13 weren't you?

14 A. Yes.

15 Q. Never had a full-time position as
16 a police officer, did you?

17 A. Depends how you specify full
18 time.

19 Q. Were you ever a consistent 40
20 hour per week police officer for an entire
21 year?

22 A. No.

23 Q. In fact, you were just a summer
24 cop, right?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 A. A cop is a cop.

3 Q. That's your position, a cop is a
4 cop?

5 A. That's correct. My certificate
6 says so, which the uncertified officers
7 didn't have.

8 Q. Suffolk County never hired you,
9 did you -- did they?

10 A. I went to their academy and was
11 trained by them. The ones that are working
12 there, they don't have the certificate, I
13 do.

14 Q. Suffolk County never hired you,
15 did you -- did they?

16 A. I completed their academy after
17 seven months.

18 Q. Did they ever hire you, sir?

19 A. For the academy I was.

20 Q. Did they ever hire you as a
21 police officer?

22 A. No, they didn't.

23 Q. Nassau County ever hire you as a
24 police officer?

25 A. Never applied there.

1 K. Lamm

2 Q. New York City ever hire you as a
3 police officer?

4 A. Never applied there.

5 MR. GOODSTADT: Why don't we go
6 through every jurisdiction in the
7 country.

8 MR. NOVIKOFF: I may.

9 MR. GOODSTADT: Okay.

10 A. Cool.

11 Q. Westchester County ever hire you?

12 A. Never applied there.

13 Q. Any other police officer in the
14 entire land ever hire you as a police
15 officer before you became 35?

16 A. No.

17 Q. Haven't you been referred to as a
18 glorified security guard while you were
19 working for Ocean Beach?

20 A. By who?

21 Q. By anybody?

22 A. I don't recall.

23 Q. You don't recall? You mean it's
24 a possibility?

25 A. I don't recall.

1 K. Lamm

2 Q. In your presence, isn't it true
3 that you were referred to as a glorified
4 security guard while you were working for
5 Ocean Beach?

6 A. I don't recall.

7 Q. Okay. Let's look at your eighth
8 cause of action. Do you recall alleging a
9 violation of the New York Civil Service Law,
10 Section 75-B in this lawsuit?

11 A. I don't recall.

12 Q. Page 37 of your Complaint. Just
13 read the bold language in the parentheticals
14 and tell me if you recall.

15 A. (Reviewing). The bold letters,
16 no, I don't recall.

17 Q. Okay. 155, you allege the
18 following, "Defendants' termination of
19 Plaintiffs' employment was a -- was an
20 "adverse personnel action" taken in
21 violation of New York Civil Service Law 75-B
22 on the sole basis that Plaintiffs each
23 disclosed what they reasonably believed to
24 be "improper governmental action" as that
25 term is defined in New York Civil Service

1 K. Lamm

2 Law, Section 75-B," do you see that?

3 A. I see it.

4 Q. Who did you, Mr. Lamm, disclose
5 the "improper governmental action" to?

6 MR. GOODSTADT: Objection.

7 A. I don't recall at this time.

8 Q. Do you recall is there anything
9 in your custody, possession or control that
10 would refresh your recollection?

11 A. Not that I'm aware of.

12 Q. Do you have an understanding as
13 to what the phrase "improper governmental
14 action" means as you use it in paragraph
15 155?

16 A. Yes.

17 MR. GOODSTADT: Objection.

18 Q. What is your understanding?

19 A. Not done correctly.

20 Q. What was not done correctly?

21 A. What it states here.

22 Q. It doesn't state anything in
23 paragraph 155, other than the fact that you
24 disclosed what you reasonably believed to be
25 "improper governmental action." So I ask

1 K. Lamm

2 the question again, sir, when you use the
3 words "improper governmental action," what
4 do you mean?

5 MR. GOODSTADT: Objection.

6 A. Not ethical.

7 Q. Is that it, not ethical?

8 A. That's it.

9 Q. Let's look at -- on page 36,
10 paragraph 148. You allege, in part,
11 "Defendants Hesse, Loeffler, OBPD, Ocean
12 Beach, Sanchez and Suffolk County Civil
13 Service subjected Plaintiffs to arbitrary
14 and irrational discrimination by selectively
15 terminating Plaintiffs' employment with a
16 malicious or bad faith intent to injure
17 Plaintiffs," do you see that?

18 A. Yes.

19 Q. Simple question, sir, how did
20 Loeffler subject you, Mr. Lamm, to arbitrary
21 and irrational discrimination by selectively
22 terminating you in April of 2 -- on April 2,
23 2006 as you've alleged?

24 MR. GOODSTADT: Objection.

25 A. Don't know for sure.

1 K. Lamm

2 Q. What evidence do you have that
3 Mr. Loeffler acted in bad faith as you sit
4 here today, other than the fact that you say
5 you were terminated on April 2 of 2006?

6 A. I don't know.

7 Q. Other than the fact that you were
8 terminated as you say on April 2, 2006, what
9 evidence do you have that Mr. Loeffler acted
10 maliciously with regard to anything
11 involving you?

12 MR. GOODSTADT: Objection.

13 A. I don't know.

14 MR. GOODSTADT: Whenever is a
15 good time, Ken, can we just take a
16 break?

17 MR. NOVIKOFF: One more
18 question.

19 MR. GOODSTADT: Yup. Yup.
20 That's why I said whenever's a good
21 time.

22 MR. NOVIKOFF: 149. Actually,
23 you know what, I don't need to go over
24 149. Let's take a five-minute break.

25 MR. GOODSTADT: That's fine.

1 K. Lamm

2 MR. NOVIKOFF: How much time is
3 left on the -- on the tape?

4 THE VIDEOGRAPHER: 16 minutes.

5 MR. NOVIKOFF: Okay.

6 THE VIDEOGRAPHER: The time is
7 2:56 p.m. Going off the record.

8 (A break was taken.)

9 (Mr. Gray, general counsel for
10 Ocean Beach, entered the deposition.)

11 THE VIDEOGRAPHER: This begins
12 tape number five. The time is 3:16
13 p.m. Back on the record.

14 Q. Sir, who do you presently work
15 for?

16 A. Town of Islip.

17 Q. Any particular department within
18 the Town of Islip?

19 A. Airport.

20 Q. Are you a security guard?

21 A. Yes.

22 Q. When did you first start working
23 for Town of Islip?

24 A. 2005.

25 Q. At MacArthur Airport?

1 K. Lamm

2 A. Yes.

3 Q. As a security guard?

4 A. Yes.

5 Q. So you've been a security guard
6 throughout your tenure at -- at the Town of
7 Islip?

8 A. Yes.

9 Q. Okay. Let's go to the Complaint,
10 sir. Actually, before we go to the
11 Complaint, have you been up for any
12 promotions at the Town of Islip?

13 A. No.

14 Q. Have you been denied any
15 promotional opportunities as a result of
16 anything Mr. Hesse did, to your knowledge --

17 A. No.

18 Q. -- at the Town of Islip? No?

19 A. No.

20 Q. Let's look at the first page.
21 You write -- you allege under the
22 preliminary statement, "Plaintiffs are five
23 police officers who had the courage to
24 overcome the "blue wall of silence" and
25 fulfill their duty to protect the public by

1 K. Lamm

2 speaking out in opposition to the regime of
3 endemic corruption within the Police --
4 Ocean Beach Police Department ("OBPD" or the
5 "department")." Do you see that?

6 A. Yes.

7 Q. What did you mean by "blue wall
8 of silence"?

9 A. Because if we were to talk about
10 anything, well, this is what happened. We
11 lost our jobs.

12 Q. No. I understand that. When you
13 say "blue wall of silence," what are you
14 referring to?

15 A. That everybody else there in the
16 department was just quiet and wouldn't, you
17 know, raise the fact of issues of what was
18 happening, so we did.

19 Q. Well, you refer to a duty to
20 protect the public by speaking out in
21 opposition, do you see that?

22 A. Yes.

23 Q. Other than talking to Mr. Hesse,
24 you didn't do anything with regard to your
25 knowledge that there was a known drug dealer

1 K. Lamm

2 who had lollipops that contained illegal
3 narcotics, did you?

4 A. Well --

5 Q. Did you?

6 A. We have made mention to Mr. Hesse
7 that we should bring the narcotics team
8 over.

9 Q. Well, thank you. You spoke to
10 Mr. Hesse. So my question to you, sir, is
11 in your duty to protect the public from this
12 known drug dealer who had lollipops in the
13 form of an illegal narcotic, you didn't do
14 anything, other than talk to Mr. Hesse, did
15 you?

16 A. He was the chain of command.

17 Q. I understand that. You didn't do
18 anything, other than talk to Mr. Hesse, did
19 you?

20 A. He was the chain of command.

21 Q. Okay. Tell the jury, sir, with
22 regard to seeing a police officer drive
23 intoxicated, what, other than talking to
24 Mr. Hesse, did you do to protect the public?

25 A. It was brought to George Hesse's

1 K. Lamm

2 attention, who was the supervising officer,
3 chain of command.

4 Q. Other than talking to Mr. Hesse,
5 what did you do?

6 A. That's what I did.

7 Q. Okay. When you saw police
8 officers drinking on duty and posing a risk
9 to the health and safety of the public in
10 doing so, other than Mr. Hesse, other than
11 talking to Mr. Hesse, what did you do to
12 protect the public?

13 A. That's what was done. Spoke to
14 George Hesse. Chain of command.

15 Q. Other than -- well, other than --
16 well, withdrawn. When you believed that
17 there was a cover up involving the Halloween
18 incident, you didn't notify Sergeant --
19 Chief Paridiso of your belief that there was
20 a cover up, did you?

21 A. We were kept out of the loop of
22 all the investigation for several months.

23 MO MR. NOVIKOFF: Motion to
24 strike, sir.

25 Q. You formed a belief at some point

1 K. Lamm

2 in time that there was a cover up involving
3 certain police officers concerning the
4 Halloween incident, correct? You formed a
5 belief, correct?

6 A. We were kept out of the loop of
7 the investigation.

8 MO MR. NOVIKOFF: Motion to
9 strike.

10 MR. GOODSTADT: Let -- let him
11 answer the question. Then make your
12 motion to strike.

13 Q. Sir, yes or no, did you form an
14 opinion at some point in time that there was
15 a cover up involving the Halloween incident?

16 A. Yes.

17 Q. And, sir, in your duty to protect
18 the public from this cover up, did you
19 notify Chief Paridiso of your opinion that
20 there was a cover up, yes or no? And if you
21 can't answer yes or no, that's fine. Just
22 tell me.

23 A. No. Because we were unsure as to
24 what was going on because the investigation
25 that was taking place, we were kept out of

1 K. Lamm

2 the loop.

3 MO MR. NOVIKOFF: Motion to strike
4 everything after "no."

5 Q. Sir, in your duty to protect the
6 public, when you came to believe that there
7 was a cover up involving the Halloween
8 incident, you didn't notify Mayor Rogers,
9 did you, yes or no? And if you can't answer
10 yes or no, tell me.

11 A. No. She wasn't part of the chain
12 of command.

13 MO MR. NOVIKOFF: Okay. Motion to
14 strike everything after "no."

15 Q. In your duty to protect the
16 public, after you formed the opinion that
17 there was a cover up involving the Halloween
18 incident, you didn't notify Trustee
19 Loeffler, did you?

20 A. Loeffler was there during the
21 Halloween incident.

22 Q. My question, sir, is --

23 MO MR. NOVIKOFF: Motion to
24 strike.

25 Q. When you formed the opinion that

1 K. Lamm

2 there was a cover up -- withdrawn. After
3 you formed the opinion that there was a
4 cover up, in your duty to protect the
5 public, did you notify Trustee Loeffler that
6 you believed that there was a cover up, yes
7 or no, and if you can't answer yes or no,
8 then tell me?

9 A. No. Because I believe he became
10 part of that because it was kept away from
11 us for several months and we were not part
12 of the investigation.

13 MO MR. NOVIKOFF: Motion to strike
14 everything after "no."

15 Q. Sir, in your duty to protect the
16 public and speaking out in opposition to the
17 regime of endemic corruption, after you
18 believed that there was a cover up involving
19 the Halloween incident, did you contact
20 Newsday?

21 A. Immediately after it happened?

22 Q. Yeah.

23 A. Not immediately after it
24 happened, because we didn't know everything
25 that had taken place. We were kept out of

1 K. Lamm

2 the investigation.

3 MO MR. NOVIKOFF: Motion to strike
4 everything after "not immediately
5 thereafter."

6 Q. Sir, prior to your last day of
7 employment with Ocean Beach, did you ever
8 advise Newsday that you believed that there
9 was a cover up involving the Halloween
10 incident in your duty to protect the public
11 and speak out in opposition?

12 A. No. We were kept out of the loop
13 of the investigation. It was kept away from
14 us.

15 MO MR. NOVIKOFF: Motion to strike
16 everything after "no."

17 Q. In your duty to protect the
18 public and speak out against the regime of
19 endemic corruption, before your last day of
20 employment with Ocean Beach, did you advise
21 any media source that you believed that
22 there was a cover up involving the Halloween
23 incident?

24 A. No, I did not, because we were
25 kept out of the investigation of all that

1 K. Lamm

2 time and everything that was going on.

3 MO MR. NOVIKOFF: Motion to strike
4 everything after the word "no."

5 Q. In your duty to protect the
6 public and speak out against -- in
7 opposition to the regime of endemic
8 corruption, did you, before the last day of
9 your employment with Ocean Beach, speak with
10 the Suffolk County District Attorney's
11 office concerning the belief that you held
12 that there was a cover up involving the
13 Halloween incident?

14 A. No.

15 Q. Did you ever speak, before your
16 last day of employment with Ocean Beach, in
17 your duty to protect the public and speak
18 out in opposition -- withdrawn. Did you
19 ever, before the last day of your employment
20 with Ocean Beach, notify the Suffolk County
21 District Attorney's office, in your duty to
22 protect the public and speak out, that there
23 were police officers, while on duty,
24 drinking alcoholic beverages?

25 A. No.

1 K. Lamm

2 Q. In your duty to speak out and
3 protect the public good, did you ever advise
4 the Suffolk County District Attorney's
5 office that there were police officers
6 driving while intoxicated on Ocean Beach?

7 A. No. It was brought to George
8 Hesse's attention. He was the immediate
9 supervisor. Went through the chain of
10 command.

11 MO MR. NOVIKOFF: Motion to strike
12 everything after the word "no."

13 Q. Did you, in your duty to protect
14 the public and speak out in opposition, did
15 you ever advise the Suffolk County District
16 Attorney's office, before the last day of
17 your employment with Ocean Beach, that there
18 was a known drug dealer on Ocean Beach who
19 had illegal narcotics in the form of a
20 lollipop?

21 A. No. It was words given by George
22 Hesse who later he was told that the
23 narcotics team should be brought in to the
24 village.

25 MO MR. NOVIKOFF: Motion to strike

1 K. Lamm

2 everything after the word "no."

3 Q. Let's go to paragraph 13. You
4 allege in paragraph 13 the following,
5 "Defendant George B. Hesse was and is
6 employed by Ocean Beach and the OBPD, with
7 his principle place of business at Bay and
8 Bayberry Walks, Ocean Beach, New York. Upon
9 information and belief, Hesse resides in
10 Suffolk County, New York. At all times
11 hereinafter mentioned, Defendant Hesse was
12 and is the official responsible for the
13 management and supervision of the OBPD,
14 including its maintenance and operation, as
15 well as the hiring, promotion and discipline
16 of employees and all other
17 employment-related issues," do you see that?

18 A. Okay.

19 Q. Did -- have you done anything to
20 confirm the accuracy of what I've just read
21 prior to authorizing your attorney to file
22 this Complaint?

23 A. No.

24 Q. When you allege in the second
25 sentence of paragraph 13 that "at all times

1 K. Lamm

2 herein mentioned, Defendant Hesse was and is
3 the official responsible for" -- and now I'm
4 going to go a little bit further -- "the
5 hiring, promotion and discipline of
6 employees and all other employment-related
7 issues," what did you mean by that?

8 MR. GOODSTADT: Objection.

9 A. Well, which part are we talking
10 about here, again, please?

11 Q. Let's look at the second
12 sentence. You see --

13 MR. GOODSTADT: It's actually
14 the third sentence.

15 Q. Paragraph 13. The second
16 sentence. Do you see you start off by
17 saying "at all times hereinafter mentioned,"
18 do you see that?

19 A. Go ahead.

20 Q. Okay. You write "Defendant
21 Hesse," do you see that?

22 A. I see it.

23 Q. "Was and is the official
24 responsible," do you see that?

25 A. Go ahead.

1 K. Lamm

2 Q. What do you mean by "was and is
3 the official responsible"?

4 MR. GOODSTADT: Objection.

5 Q. What is your understanding of
6 what that phrase means?

7 MR. GOODSTADT: Objection.

8 A. 'Cause he was the supervising
9 officer of the night shift and that is what
10 we worked.

11 Q. Okay. And then you write -- you
12 make some other allegations, you write "for
13 the management and supervision of the OBPD,"
14 do you see that?

15 A. Yes.

16 Q. I don't -- I'm not going to ask
17 you about that. Then you write "including
18 its maintenance and operation," do you see
19 that?

20 A. Yes.

21 Q. I'm not going to ask you about
22 that. This is what I'm going to ask you
23 about, "as well as the hiring, promotion and
24 discipline of employees and all other
25 employment-related issues." Do you see

1 K. Lamm

2 that?

3 A. Yes.

4 Q. What did you mean by the language
5 that I just read to you?

6 MR. GOODSTADT: Objection.

7 A. "As well as hiring."

8 Q. Yeah. What do you mean by that?

9 A. He made himself the applicant
10 investigation section unit and began to hire
11 individuals that were uncertified.

12 Q. How about in terms -- you use "as
13 well as the hiring, promotion and discipline
14 of employees," do you see that?

15 A. Yes.

16 Q. You then go on to say "and all
17 other employment-related issues," do you see
18 that?

19 A. Yes.

20 Q. Is termination an
21 employment-related issue that you are
22 referring to?

23 A. Yes.

24 Q. Okay. Non-hiring an
25 employment-related issue that you are

1 K. Lamm
2 referring to?

3 A. That George Hesse was in charge
4 in -- of?

5 Q. Yes.

6 A. Yes.

7 Q. Okay. So if I understand what
8 you're saying, in 2003, George Hesse was the
9 person responsible for deciding whether or
10 not you, Mr. Lamm, was either going to be
11 rehired or terminated from the Ocean Beach
12 police department, correct?

13 MR. GOODSTADT: Objection.

14 Q. Is that what you mean when you
15 use this --

16 A. He -- he was the one doing the
17 hiring in 2003, so that very well could
18 have -- could have been the answer.

19 Q. No. I'm asking you, you know,
20 based upon your testimony, sir, in your
21 opinion, was Mr. Hesse the person that
22 was the -- had the authority to decide in
23 2003 whether or not you would be terminated
24 from your position as a police officer for
25 Ocean Beach?

1 K. Lamm

2 A. He may have been because he was
3 hiring in 2003. So I would assume that he
4 is in charge of hiring and -- and could have
5 been firing in 2003.

6 Q. Same thing for 2004, correct?

7 A. Could have been.

8 Q. How about 2005?

9 A. May have been.

10 Q. Okay. Now with regard to the
11 Ocean -- the Halloween incident, that
12 occurred in October of 2004, correct?

13 A. Yes.

14 Q. And by that time, you had made
15 numerous complaints to Mr. Hesse about
16 various misconduct of other police officers,
17 correct?

18 A. Yes.

19 Q. Okay. And you had criticized in
20 these complaints, Mr. Hesse's supervision of
21 these other police officers, correct?

22 A. Yes.

23 Q. Okay. And you complained -- did
24 you ever complain to Mr. Hesse about what
25 you believed to be a cover up involving the

1 K. Lamm

2 Halloween incident?

3 A. Yes, I did.

4 Q. When?

5 A. In June of 2005.

6 Q. Did Mr. Hesse fire you in June of
7 2005?

8 A. No, he didn't.

9 Q. Did he fire you in July of 2005?

10 A. No, he didn't.

11 Q. Did he fire you in August of
12 2005?

13 A. No, he didn't.

14 Q. Did he fire you in September of
15 2005?

16 A. No, he didn't.

17 Q. Did he fire you in October of
18 2005?

19 A. No. But when I brought it to his
20 attention --

21 Q. I don't think there's a question,
22 sir.

23 A. Well, I'm putting it on the
24 record anyway.

25 Q. You go right ahead.

1 K. Lamm

2 A. That he tells me that the
3 incidents that occurred here in my statement
4 were not true about the Halloween incident,
5 and I said, "Well, how do you know? You
6 weren't there."

7 Q. Are you done with your statement
8 on the record?

9 A. I am finished for now.

10 MO MR. NOVIKOFF: Move to strike
11 because there was no question pending.

12 Q. Anything else you want to state?

13 A. No. Not yet.

14 Q. Okay. Paragraph 26. Did you
15 read paragraph 26 before you authorized your
16 attorney to file this on your behalf?

17 A. I believe so.

18 Q. Okay. Is 26 accurate?

19 A. I believe it to be.

20 Q. So is it your testimony that no
21 member of the public ever complained about
22 you in your role as a police officer for
23 Ocean Beach, to your knowledge?

24 A. Not that I'm aware of.

25 MR. NOVIKOFF: Let's mark the

1 K. Lamm

2 following document as Lamm-1.

3 (Allegations of Official

4 Misconduct was marked as Lamm Exhibit-1

5 for identification; 11/19/08, E.L.)

6 Q. Sir, I'm going to show you what's
7 been marked as Lamm-1, and I'm not going to
8 ask you to read the document. I'm just
9 going to ask you to read the first
10 paragraph, to yourself now, of the
11 allegation under the heading "allegations of
12 official misconduct" and tell me when you're
13 done reading those two sentences.

14 A. (Reviewing). Okay.

15 Q. As you sit here today, are you
16 familiar with a person named Jolly-Johanna
17 L. Northrop?

18 A. I'm not sure.

19 Q. You're not sure if you are
20 familiar with that name? I'm asking you, as
21 you sit here today, do you recognize the
22 name Jolly-Johanna L. Northrop?

23 A. I don't recall it.

24 Q. Okay. Do you recall ever being
25 accused of abusing the public trust

1 K. Lamm
2 involving an incident concerning Brody
3 Santoro?

4 A. I don't recall it.

5 Q. So it's possible, but as you sit
6 here today, you don't recall it?

7 A. I'm not familiar with this.

8 Q. Okay. Let's move on then. Let's
9 go to paragraph 32, sir. Did Mr. Hesse ever
10 instruct you to chauffeur intoxicated
11 colleagues both inside and out of Ocean
12 Beach?

13 A. He has asked me to take --

14 Q. My question is just a yes or no.

15 A. Yes, he has.

16 Q. On how many occasions did
17 Mr. Hesse instruct you to chauffeur
18 intoxicated police officers both inside and
19 out of Ocean Beach?

20 A. Just one time for me.

21 Q. When?

22 A. Somewhere around the season of
23 2003.

24 Q. And who was the intoxicated
25 colleague that Mr. Hesse directed you to

1 K. Lamm

2 chauffeur?

3 A. Gary Bosetti and Rich Bosetti.

4 Q. Oh, so there was two. Okay.
5 Where did Mr. Hesse ask you to chauffeur
6 them to?

7 A. He wanted me to bring them back
8 to the lighthouse.

9 Q. Okay. Were they on duty at the
10 time, Gary and Richie Bosetti?

11 A. No. That time they were off
12 duty.

13 Q. What time of the day did
14 Mr. Hesse ask you to chauffeur the Bosetti
15 brothers in their inebriated state?

16 A. Approximately 3:00 in the
17 morning.

18 Q. Did you witness them getting into
19 a vehicle after you chauffeured them to the
20 lighthouse?

21 A. No, I did not.

22 Q. Do you know why they were being
23 chauffeured to the lighthouse?

24 A. No. He just told me to take them
25 to the lighthouse and I did.

1 K. Lamm

2 Q. Did you inquire with Mr. Hesse as
3 to why you were taking them to the
4 lighthouse?

5 A. No, I didn't.

6 Q. Did the Bosettis, in their
7 inebriated state, tell you why you were
8 taking them to the lighthouse?

9 A. No. They said they wanted to get
10 to the lighthouse.

11 Q. Do you -- did you witness them
12 doing anything once you dropped them off at
13 the lighthouse?

14 A. No, I didn't.

15 Q. Did you stay around to make sure
16 that they didn't do any harm to themselves
17 in their inebriated state?

18 A. No, I didn't.

19 Q. Were you on -- were you on duty
20 at the time?

21 A. Yes, I was.

22 Q. Are automobiles parked at the
23 lighthouse?

24 A. Excuse me?

25 Q. Are automobiles parked at the

1 K. Lamm

2 lighthouse?

3 A. Yes.

4 Q. Was it your belief that you were
5 chauffeuring the Bosetti brothers to their
6 automobiles to take off the island?

7 A. Either that or they were going to
8 walk to the next town, Kismet.

9 Q. And how far away is Kismet?

10 A. Just several --

11 MR. GOODSTADT: Objection.

12 Q. What's that?

13 A. Just several 100 feet down the
14 road.

15 Q. Okay. Could you have driven to
16 Kismet?

17 A. Yes.

18 Q. Okay. Did you stay around to
19 make sure that the Bosettis didn't get into
20 their respective automobiles and drive under
21 the state of intoxication?

22 A. No.

23 Q. Wouldn't you agree, sir, that as
24 a police officer, it would have been
25 important for the safety of the public that

1 K. Lamm

2 the Bosettis, in their inebriated state, did
3 not get into their automobiles and drive
4 away?

5 MR. GOODSTADT: Objection.

6 Q. Yes or no, or if you can't answer
7 yes or no, that's fine, too.

8 A. I can't answer that. They --
9 they could have just sat there and talked.

10 Q. Oh, no. I understand that. But
11 my question, sir, is, would you agree with
12 me that it would be important for the public
13 health and safety, to make sure that the
14 Bosettis were not going to get into their
15 cars in an inebriated state that night?

16 A. Yes, it would be.

17 Q. Okay. Did you undertake any
18 activity to ensure that the Bosettis did not
19 get into their car after you dropped them
20 off?

21 A. I don't recall.

22 Q. Okay. When Mr. Hesse asked you
23 to do this, did you complain to him?

24 A. Yes. I -- I told him that being
25 that, you know, we're short staffed in the

1 K. Lamm

2 village, I don't think that we should be
3 leaving the village with one less officer.

4 Q. When you say you were short
5 staffed, what do you mean?

6 A. 'Cause at nighttime, we didn't
7 have that many officers at times that were
8 working.

9 Q. So there were sometimes that you
10 have sufficient officers in the village at
11 night and there are times when you're short
12 staffed?

13 A. Depending on who's scheduled and
14 depending on the crowd that is there that
15 night.

16 Q. So it was your opinion that by
17 you taking the Bosettis to the lighthouse,
18 that left the village short staffed,
19 correct?

20 A. Yes.

21 Q. Mr. Hesse had a contrary opinion,
22 correct?

23 A. Maybe he did.

24 Q. Well, did he respond to you when
25 you said that you believed that you were

1 K. Lamm

2 leaving the village short staffed?

3 A. He said yeah, but nothing
4 happened.

5 Q. So he had a contrary opinion --
6 oh, no. So he agreed with you that it was
7 short staffed?

8 A. Yes.

9 Q. Okay. And you felt by leaving
10 the village short staffed, that was
11 compromising the public health and safety of
12 the village -- of the people on Ocean Beach?

13 A. Yes.

14 Q. Did you advise Chief Paridiso
15 that Mr. Hesse's direction, in your opinion,
16 compromised the public health and safety of
17 the people on Ocean Beach? Yes or no or you
18 can't answer yes or no?

19 A. I spoken to him about -- about
20 it, saying that I -- I just don't feel that
21 it's right to drive them off if we're short
22 staffed during the summer season.

23 Q. So you spoke to Chief Paridiso?

24 A. Just that one time.

25 Q. When did you speak to Chief

1 K. Lamm

2 Paridiso?

3 A. That was a few weeks after it.

4 Q. And did Chief Paridiso say
5 anything to you in response to your
6 communication to him?

7 A. I don't recall what he said.

8 Q. Okay. To your knowledge, after
9 you were asked to chauffeur the Bosettis,
10 were any of the other Plaintiffs in this
11 lawsuit asked to chauffeur any other
12 inebriated police officers anywhere within
13 or without Ocean Beach?

14 A. I can't answer for -- for someone
15 else.

16 Q. I'm just asking if you are aware,
17 not whether you can answer or not. Are you
18 aware that after you complained to Chief
19 Paridiso, did Hesse ever order any other of
20 the Plaintiffs in this lawsuit to chauffeur
21 intoxicated police officers within or
22 without of Ocean Beach?

23 A. I'm not for certain, but there --
24 it was stated to Hesse that we aren't going
25 to drive anybody out to the lighthouse or

1 K. Lamm

2 anything if they're here off duty, and then
3 there was a memo saying that if you have to
4 leave the village, use a water taxi.

5 MO MR. NOVIKOFF: Move to strike
6 as nonresponsive.

7 Q. My question is simple, Mr. Lamm,
8 and if you don't know, then you don't know
9 and that's fine. That's -- that's a fine
10 answer. After you complained to
11 Mr. Paridiso, are you aware of any time that
12 one of the Plaintiffs in this action, at the
13 direction of Mr. Hesse, chauffeured an
14 intoxicated police officer anywhere within
15 or without Ocean Beach?

16 A. I'm not for certain.

17 Q. Great. Let's look at paragraph
18 33. Did you ever -- were you ever asked by
19 Mr. Hesse to give money for rocket fuel?

20 A. No.

21 Q. Are you aware if any of the
22 Plaintiffs in this action were ever -- were
23 ever asked by Hesse to give money for rocket
24 fuel?

25 A. I don't believe so. Not that I

1 K. Lamm

2 know of.

3 Q. Okay. Did you personally ever
4 witness Hesse asking any police officer for
5 money so he can purchase rocket fuel?

6 A. No.

7 Q. Okay. Let's look at paragraph
8 34. In the last sentence of paragraph 34,
9 you allege, Mr. Lamm, "these newly hired
10 uncertified officers soon aligned themselves
11 with Hesse and his friends on the force,
12 further marginalizing the influence of
13 Plaintiffs and other dedicated and properly
14 certified OBPD officers." In May 2002, what
15 influence did you have as a part-time
16 seasonal police officer for Ocean Beach?

17 MR. GOODSTADT: Objection.

18 A. I don't understand the question.

19 Q. Well, I don't understand the
20 allegation, so that's why I'm asking you the
21 question. You allege here that by virtue of
22 Mr. Hesse hiring uncertified officers who
23 then aligned themselves with Hesse and his
24 friends, your influence was further
25 marginalized, do you see that?

1 K. Lamm

2 A. Um-hum.

3 Q. My question to you is, what
4 influence did you have in May of 2002 as you
5 refer to it in paragraph 34?

6 A. They were Hesse's -- they were
7 Hesse's buddies, and you know, we were just
8 distanced.

9 Q. I understand that. What
10 influence did you have, though, that's what
11 I'm asking?

12 A. I personally may have had no
13 influence.

14 Q. Okay. Paragraph 36, "Plaintiffs
15 each advised Hesse on numerous occasions
16 that the department and village were left
17 dangerous -- dangerously short of personnel
18 when Plaintiffs were assigned to chauffeur
19 intoxicated officers and their civilian
20 friends and while such uncertified officers
21 were drinking in local bars," do you see
22 that?

23 A. Yes.

24 Q. Were you ever asked to chauffeur
25 a civilian friend of any intoxicated

1 K. Lamm

2 officer?

3 A. No.

4 Q. How many communications did you
5 have with Mr. Hesse concerning your con --
6 your belief that the village was short
7 staffed because officers were drinking in
8 local bars?

9 A. How many what?

10 Q. Communications did you have? Let
11 me break it down. We know you spoke with
12 Mr. Hesse about your opinion that the
13 village was left short staffed when you had
14 to chauffeur the Bosettis that one time in
15 2003, correct?

16 A. Correct.

17 Q. How many communications did you
18 have with Hesse about your opinion that the
19 village was left short staffed because
20 officers were drinking in the local bars?

21 A. May have been two occasions.

22 Q. When was the first one?

23 A. 2003.

24 Q. When was the second one?

25 A. 2004.

1 K. Lamm

2 Q. Okay.

3 A. End of 2003 and the beginning
4 season of 2004.

5 Q. Okay. And would you agree with
6 me, sir, that if there were police officers
7 while on duty drinking in local bars, and
8 that left, in your opinion, the village
9 short staffed, that that posed a risk to
10 people on Ocean Beach?

11 A. Yes, it could.

12 Q. And in your duty to protect the
13 public and speak out against the endemic
14 corruption that you alleged, did you ever
15 advise Chief Paridiso of your concern that
16 on duty police officers were drinking in
17 local bars?

18 A. No. It was spoken to Hesse.
19 Immediate supervisor, chain of command.

20 MO MR. NOVIKOFF: Motion to strike
21 everything after "no."

22 Q. Same question with regard to
23 Mayor Rogers?

24 A. She wasn't part of the chain of
25 command.

1 K. Lamm

2 Q. So the answer would be no?

3 A. She wasn't part of the chain of
4 command.

5 Q. Okay. Same question with regard
6 to Trustee Loeffler?

7 A. No.

8 Q. Same question with regard to any
9 other trustee?

10 A. No. They weren't part of chain
11 of command.

12 Q. Same question with regard to any
13 media outlet?

14 A. No.

15 Q. Now when you witnessed police
16 officers while on duty drinking in local
17 bars, were they eating a meal at the time?

18 A. I don't believe so.

19 Q. Okay. So they were either at the
20 bar or they were -- they were at a table
21 drinking?

22 A. At the bar, yes.

23 Q. Okay. Let's look at paragraph
24 39. You allege "in addition, Hesse allowed
25 the uncertified officers to assign dock

1 K. Lamm

2 masters to "cover" their shifts at the OBPD
3 blithely entrusting law enforcement power
4 and responsibility to untrained and
5 unsupervised civilians," do you see that?

6 A. Yes, I do.

7 Q. What did you mean "blithely"?

8 MR. GOODSTADT: Objection.

9 A. Don't exactly know.

10 Q. When you read this for accuracy
11 and truthfulness, did you know?

12 A. That they put -- that they put
13 their trust in it.

14 Q. Okay. What uncertified officers
15 were assigned to dock masters? I'm sorry.
16 Who are you referring to in 39 when you
17 write "uncertified officers"? I'm looking
18 for the identity of the officers that you're
19 referring to in 39.

20 A. Rich Bosetti and Gary Bosetti.

21 Q. Do you have personal knowledge
22 that Hesse allowed the Bosetti brothers to
23 assign dock masters to cover their shifts?

24 A. If Hesse wasn't there that day or
25 if he had already left, those two officers

1 K. Lamm

2 are in charge. Therefore, if there -- if
3 there's a dock master there, which there
4 was, was assigned to take over the desk, and
5 they had left the village without a police
6 officer down there.

7 MO MR. NOVIKOFF: Motion to strike
8 as nonresponsive, sir.

9 Q. Did you personally witness Hesse
10 directing the Bosettis to assign dock
11 masters to cover their shifts?

12 MR. GOODSTADT: Objection.

13 A. No, I did not.

14 Q. Did you ever partner with any
15 dock master while you were working for Ocean
16 Beach?

17 A. No.

18 Q. During any shifts that you had
19 while at Ocean Beach, was there a dock
20 master that was acting as a police officer
21 during that same shift, to your knowledge?

22 A. As far as acting as a police
23 officer, they were left alone in the
24 village, there would be nobody there, so
25 they would have to act by answering the

1 K. Lamm

2 phone.

3 MO MR. NOVIKOFF: Motion to strike
4 as nonresponsive, sir.

5 Q. Sir, while you were working for
6 Ocean Beach, did you ever become aware that
7 there was a dock master working as a police
8 officer during your shift?

9 A. No.

10 Q. Okay. 40, "Hesse also allowed
11 the uncertified officers to drink beer while
12 patrolling in police vehicles." Were you
13 ever in a police vehicle, other than the one
14 instance that you testify -- the two
15 instances that you testified to, wherein an
16 uncertified officer was drinking beer?

17 A. Other than from what I stated.

18 Q. Right. So the answer would be
19 no, other -- no, correct?

20 A. Not that I can recall.

21 Q. Okay. Did Hesse ever tell you,
22 Mr. Lamm, what types of beer to confiscate?

23 A. No, he did not. But I have heard
24 Rich Bosetti say it when Frank Fiorillo was
25 patrolling the beach, if he can get certain

1 K. Lamm

2 kinds of beer.

3 Q. You happy you got that out?

4 A. If he confiscated anything.

5 Q. You done with what you want to
6 say?

7 A. He made a request.

8 MR. GOODSTADT: Objection.

9 MO MR. NOVIKOFF: Motion to strike
10 as nonresponsive everything other than
11 after "no."

12 Q. Did Hesse ever instruct you, as
13 you allege in paragraph 41, to remove empty
14 beer cans and other refuse from the
15 uncertified officers' abandoned vehicles?

16 MR. GOODSTADT: Objection.

17 MR. NOVIKOFF: Fine. I'll
18 withdraw the question.

19 Q. Let's look at 41. "Rather than
20 address Plaintiffs' num -- numerous
21 complaints about these violations of law and
22 department policy, Hesse instructed
23 Plaintiffs to remove empty beer cans and
24 other refuse that the uncertified officers
25 abandoned in their vehicles and left strewn

1 K. Lamm

2 about the police station after a night on
3 duty." Did Hesse ever instruct you,
4 Mr. Lamm, to do that which is being alleged
5 in paragraph 41?

6 A. No, he didn't.

7 Q. Let's look at paragraph 45. Read
8 paragraph 45 to yourself and tell me when
9 you're done.

10 A. (Reviewing). Okay.

11 Q. Is this an accurate allegation,
12 to the best of your recollection?

13 MR. GOODSTADT: Objection.

14 A. Yes. Frank was ridiculed and
15 called a fucking moron and to let Walter
16 Muller do whatever he wanted because that's
17 his close friend.

18 MO MR. NOVIKOFF: Motion to strike
19 everything after the word "yes."

20 Q. In your presence, how did Hesse
21 chide Officer Fiorillo?

22 A. He belittled him.

23 Q. What did he say?

24 A. He called him a moron. Said he
25 was stupid.

1 K. Lamm

2 Q. Okay. Did Mr. Hesse say anything
3 else in your presence?

4 A. He said that "that's a close
5 personal friend of mine and he can do what
6 he wants here."

7 Q. Okay. And did you think that
8 Mr. Hesse -- and when did this take place,
9 sir?

10 A. I believe it was approximately
11 2002.

12 Q. Okay. And this involved a fight,
13 correct?

14 A. I believe it was a fight, yes.

15 Q. Between who and whom?

16 A. Walter Muller and I believe
17 either it was another party involved which I
18 didn't see. I only came to the police
19 station to see the ending effects of it.

20 Q. And was this person who came into
21 the police station a police officer or a
22 civilian?

23 A. The fight didn't occur in the
24 police station.

25 Q. But the person that you saw that

1 K. Lamm

2 came into the police station, was it a
3 civilian or was it a police officer who you
4 say you saw the effects of the altercation?

5 A. The one that involved -- that was
6 involved was Walter Muller, who was a police
7 officer dressed in regular clothes. At the
8 time I believe he was off duty.

9 Q. I understand that. But did he
10 get into a fight with another police officer
11 or with a civilian, to the best of your
12 knowledge?

13 A. From what I understand and I
14 believe, it was another civilian.

15 Q. So Mr. Hesse, instruct --
16 according to your allegation and testimony,
17 was basically saying it's okay for Muller to
18 beat up a civilian because he's a close
19 personal friend of mine; is that correct?

20 A. I don't know what happened prior
21 to me getting there, but I was there for the
22 remarks he made to Frank Fiorillo.

23 Q. Right. And what did you
24 understand the remarks -- did you
25 understand his remarks to mean that -- that

1 K. Lamm

2 Mr. Muller can beat up a civilian because
3 Mr. Muller is a close personal friend of
4 his?

5 A. I believe the remarks were just
6 made to belittle Frank and embarrass him,
7 and -- and Hesse show that Walter Muller is
8 his friend and just to leave him be.

9 Q. I understand that. But you write
10 in the last sentence, Mr. -- you allege in
11 the last sentence, Mr. Lamm, that "rather
12 than disciplining this officer, Hesse
13 insisted that his friends in the OBPB be
14 afforded the freedom to violate the law with
15 impunity," do you see that?

16 A. I see that.

17 Q. So would you agree with me that
18 Hesse was instructing you and Fiorillo in
19 2002 that Mr. Muller, a police officer,
20 should be allowed to beat up civilians
21 because he's a close personal friend of his?

22 MR. GOODSTADT: Objection.

23 Q. Isn't that what you understood
24 Mr. Hesse to be saying?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 A. I wouldn't say it to that extent.
3 The only person that knows what he said is
4 George Hesse himself.

5 Q. But you graduated high school,
6 sir. What did you understand Mr. Hesse to
7 mean when he insisted, according to your
8 allegation, that his friends in the OBPD be
9 afforded the freedom to violate the law with
10 impunity?

11 MR. GOODSTADT: Objection. I
12 don't know what his graduating high
13 school has to do with anything, but to
14 the extent that you're trying to harass
15 the witness, I'm going to instruct him
16 not to answer the next time that you
17 refer to high school education.

18 MR. NOVIKOFF: Go ahead.

19 MR. GOODSTADT: Unless you can
20 tell me what the relevance is.

21 MR. NOVIKOFF: You can answer
22 the question.

23 MR. GOODSTADT: I didn't think
24 so.

25 A. My answer was my answer that I

1 K. Lamm
2 stated before.

3 Q. Okay. Did you ever advise Chief
4 Paridiso that it was your belief that Hesse
5 was permitting an officer, in 2002, to
6 violate the law with impunity?

7 A. No. I didn't speak to Chief
8 Paridiso.

9 Q. Don't you believe that in your
10 duty to protect the public and speak out
11 against endemic corruption, that it would be
12 important for Chief Paridiso to know that
13 Sergeant Hesse was advising various police
14 officers to allow another police officer to
15 violate the law with impunity?

16 A. I wasn't there for the incident.

17 Q. Oh, okay. Did you ever advise
18 Mayor Rogers or Trustee Loeffler, in 2002,
19 that you had heard directly from Mr. Hesse
20 that his buddies on the police force were
21 free to violate the law with impunity?

22 A. No, I did not.

23 Q. Now I guess is that another
24 example where you didn't protect the public
25 and speak out against corruption?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 A. I didn't witness the incident,
4 so, therefore, I don't know exactly what
5 happened. Like I said in my statement
6 before, I was only there for whatever
7 happened at the end inside the police
8 station with the ridicule against Frank
9 Fiorillo.

10 MO MR. NOVIKOFF: Motion to strike
11 as nonresponsive.

12 Q. Let's look at paragraph 46. Read
13 it and tell me when you're done reading it.

14 A. (Reviewing). Okay.

15 Q. Do you have any personal
16 knowledge of the allegations in paragraph
17 46?

18 A. No personal knowledge.

19 Q. Let's look at paragraph 48. Did
20 Mr. Hesse ever admit to you, Mr. Lamm, that
21 he regularly spent the night at a known drug
22 dealer's residence in Ocean Beach and
23 Manhattan?

24 A. Yes, he did.

25 Q. Who was the known drug dealer?

1 K. Lamm

2 A. Mitch Burns.

3 Q. Okay. When did Mr. Hesse advise
4 you that he regularly spent the evenings in
5 Manhattan and Ocean Beach with Mitch --
6 Mitch -- the drug dealer's residence?

7 A. After he came back one early
8 morning from being at Mitch Burns' house in
9 Ocean Beach and he bragged about having sex
10 with Elyse Miller with no condom in the hot
11 tub.

12 MO MR. NOVIKOFF: Elyse Miller,
13 okay. I'm going to move to strike the
14 answer.

15 Q. Sir, when did you -- when did
16 Mr. Hesse first advise you that he slept in
17 a known drug dealer's residence in Ocean
18 Beach or Manhattan?

19 MR. GOODSTADT: He just told
20 you when. When he came back --

21 MR. NOVIKOFF: Thank you.
22 You're not testifying, Mr. Goodstadt.

23 MR. GOODSTADT: You're asking
24 the same question that you just moved
25 to strike.

1 K. Lamm

2 MR. NOVIKOFF: So move to
3 strike. Just because you don't like
4 the answers you're getting --

5 MR. GOODSTADT: I actually like
6 that one.

7 MR. NOVIKOFF: No, sir.

8 MR. GOODSTADT: You moved to
9 strike it. Now you're asking the same
10 question.

11 Q. What month, what year, sir?

12 A. I believe it -- summertime of --
13 summer of 2002.

14 Q. Did you think it was appropriate
15 in the summertime of 2002 that the sergeant
16 of the Ocean Beach Police Department was
17 residing, on a regular basis, in a known
18 drug dealer's residence?

19 A. It may not have been proper.

20 Q. Is that your answer, "it may not
21 have been proper"?

22 A. It may not have been proper, but
23 that's what he chose to do. I can't speak
24 for his actions.

25 Q. I'm not asking you to speak for

1 K. Lamm

2 him. I'm only asking about your actions,
3 though. Did you ever tell Chief Paridiso?

4 MR. GOODSTADT: Objection.

5 A. I don't recall if I did.

6 Q. Did you ever tell Mayor Rogers or
7 Trustee Loeffler that Sergeant Hesse was
8 residing regularly in a known drug dealer's
9 residence?

10 A. No, I didn't.

11 Q. Did you ever chauffeur Mr. Hesse
12 to engage in a sexual escapade?

13 A. Not that I can recall.

14 Q. Did Mr. Hesse ever instruct you
15 not to issue summonses to his friends?

16 A. Yes. CJ's Bar.

17 Q. Is that the only occasion in
18 which you recall that Mr. Hesse instructed
19 you not to issue a summons to CJ's Bar?

20 A. Also, to the corner house on
21 Ocean Breeze and Bay Walk. Not to go in
22 there as well.

23 Q. Well, I'm not talking about
24 going. I'm talking about issuing summonses
25 now.

1 K. Lamm

2 A. Same goes for that, too.

3 Q. Same goes. So we have two
4 occasions. One CJ's Bar?

5 A. Yes.

6 Q. And one the corner house that you
7 referred to?

8 A. Yes.

9 Q. Any other examples of when
10 Mr. Hesse advised you not to issues
11 summonses to his friends?

12 A. That's all that I can recall
13 right now.

14 Q. When did Mr. Hesse advise you not
15 to issue a summons to CJ's Bar?

16 A. In 2000 -- end of 2004.

17 Q. And did you believe that this
18 was, at that time, a proper directive from
19 the sergeant of the Ocean Beach Police
20 Department?

21 A. No. I don't believe so.

22 Q. Did you advise Chief Paridiso
23 that you believed that Sergeant Hesse was
24 giving you unlawful directives?

25 A. No, I did not. But George Hesse

1 K. Lamm

2 was my immediate supervisor, and I had to
3 listen to what he said.

4 MO MR. NOVIKOFF: Motion to strike
5 as nonresponsive after the word "no."

6 Q. Did you advise Trustee Loeffler
7 or Mayor Rogers, after Hesse directed you
8 not to issue summonses to CJ's, that you
9 believed he was issuing unlawful directives?

10 A. No, I did not.

11 Q. When did Mr. Hesse tell you not
12 to issue summonses to that corner house that
13 you testified to?

14 A. After the incident when they --

15 Q. When in terms --

16 A. -- poured beer down the top --
17 the roof of the establishment in 2004 in the
18 month of May.

19 MO MR. NOVIKOFF: May when?

20 Motion to strike.

21 Q. What date, what month and year
22 did Mr. Hesse instruct you not to issue
23 summonses to this house?

24 MR. GOODSTADT: Objection. He
25 just answered the question.

1 K. Lamm

2 MR. NOVIKOFF: Good. Thank

3 you.

4 MR. GOODSTADT: He said May

5 2004.

6 Q. What date, what month and year?

7 MR. GOODSTADT: Objection.

8 A. It was the month of May, 2004.

9 Q. Did you believe that this was a
10 lawful directive from Mr. Hesse?

11 A. No, I did not.

12 Q. Did you advise Chief Paridiso
13 that you were receiving unlawful directives
14 from the sergeant?

15 A. No. George Hesse was the
16 immediate supervisor at nighttime and he was
17 my boss.

18 MO MR. NOVIKOFF: Motion to strike
19 as nonresponsive after the word "no."

20 Q. Did you advise Mayor Rogers or
21 Trustee Loeffler that, in your belief, Chief
22 Hesse was issuing to you an unlawful
23 directive concerning this corner house?

24 A. No, I did not. You mind if I
25 stretch my legs?

1 K. Lamm

2 MR. NOVIKOFF: We got five
3 minutes to go on the tape. Can we just
4 go for three more minutes?

5 THE WITNESS: That's fine.

6 Q. Paragraph 58. Did you witness
7 the incident that's alleged in paragraph 58,
8 Mr. Lamm?

9 A. Can I take the time to read it,
10 please?

11 Q. Absolutely.

12 A. (Reviewing). No, I did not.

13 Q. Look at paragraph 60 and read it,
14 if you can, to yourself, and then tell me if
15 you personally witnessed the events alleged
16 in paragraph 60.

17 A. (Reviewing). No, I wasn't.

18 MR. NOVIKOFF: Okay. Why don't
19 we take a break while the tape is being
20 changed. Can we limit it to about five
21 minutes?

22 MR. GOODSTADT: Sure.

23 MR. NOVIKOFF: Thanks.

24 THE VIDEOGRAPHER: This ends
25 tape number five. The time is 4:14

1 K. Lamm

2 p.m. going off the record.

3 (A break was taken.)

4 (Mr. Gray left the deposition.)

5 THE VIDEOGRAPHER: This begins
6 tape number six. The time is 4:29 p.m.
7 Back on the record.

8 Q. Mr. Lamm, did you receive a call
9 on October 30, 2004 concerning a fight at
10 Houser's?

11 A. Yes.

12 Q. Did you personally receive the
13 call or did one of your partners receive the
14 call?

15 A. First call that was received was
16 somebody said -- that said "come to
17 Houser's" and they hung up.

18 Q. Okay. And did you -- did you
19 personally receive that call?

20 A. Yes, I did.

21 Q. Did that call come from the
22 dispatcher?

23 A. There is no dispatcher.

24 Q. Okay. So do you know who made
25 that call?

1 K. Lamm

2 A. No, I don't.

3 Q. Did you receive that call on your
4 cell phone?

5 A. It was on the police phone.

6 Q. On the what?

7 A. On the police department phone.

8 Q. And where were you when you
9 received this call?

10 A. In the village. Patrolling.

11 Q. You were patrolling?

12 A. Yes.

13 Q. And did you have a phone with you
14 at the time of your -- of your patrol?

15 A. Yes.

16 Q. Okay. And is that what you meant
17 when you said the police department phone?

18 A. Yes.

19 Q. Okay. And can civilians call
20 directly to the police department phone that
21 you carry with you?

22 A. Yes.

23 Q. Okay. Did you receive another
24 call?

25 A. I didn't receive it. Tom Snyder

1 K. Lamm
2 received it.

3 Q. Okay. When you first received
4 the call -- well, was Tom Snyder with you
5 when he received that -- a call?

6 A. Yes.

7 Q. All right. And did he receive it
8 on the police department phone as well?

9 A. Yes.

10 Q. Did you have different numbers?

11 MR. GOODSTADT: Objection.

12 Q. Well, did your phone -- did your
13 respective police department phones have
14 different phone numbers?

15 MR. GOODSTADT: Objection.

16 A. It was forwarded, the phone.

17 Q. It was what?

18 A. The phone is forwarded to ring on
19 the cell phone.

20 Q. From where?

21 A. From the police phone in the --
22 in the station house.

23 Q. Okay. And is it forwarded
24 automatically or does a human being have to
25 forward the call?

1 K. Lamm

2 A. You would have to set it up that
3 way. The person.

4 Q. Well, the night of October 30,
5 2004, did a human being forward, to your
6 knowledge, the call that you received or was
7 it automatic?

8 A. The phone was already forwarded.

9 Q. Okay. How much time elapsed
10 between the time that you got your phone
11 call and the time that Mr. Snyder got his
12 phone call?

13 A. Maybe less than a minute.

14 Q. Where were you and Mr. -- well,
15 were you with Mr. Snyder at the time that
16 you got your phone call?

17 A. Yes.

18 Q. Were you in a car?

19 A. I was in a vehicle. SUV.

20 Q. You were in an SUV. Where -- and
21 was Mr. Snyder with you?

22 A. Yes, he was.

23 Q. Was anyone else with you?

24 A. Yes.

25 Q. Who?

1 K. Lamm

2 A. Frank Fiorillo.

3 Q. Is it common that three police
4 officers patrol Ocean Beach at night?

5 A. Yes.

6 Q. Together?

7 A. Yes.

8 Q. Okay. And where were you located
9 when you got your phone call?

10 A. By the school.

11 Q. At the school?

12 A. Yeah.

13 Q. Where is the school in relation
14 to Houser's?

15 A. It's -- it's on the border. It's
16 on the border.

17 Q. Border of what?

18 A. On the border of Corneil is where
19 the school is. It is just -- what is that?
20 Trying to remember over there. It's west of
21 Houser's.

22 Q. I understand that. You said
23 border. Border of what?

24 A. The border. It's on the
25 borderline before -- you would have to pass

1 K. Lamm

2 the school before you would go into another
3 town, but we were by the school.

4 Q. Right. So what were you at the
5 border of? It was Ocean Beach --

6 A. Ocean Beach and Corneil.

7 Q. Okay. And how long of a drive is
8 it from where you received the phone call to
9 Houser's?

10 A. It's several blocks down.

11 Q. So how long does it -- would it
12 normally take for you to drive from when you
13 received -- from where you were to Houser's?

14 A. It all depends how many people
15 were out on the street.

16 Q. Let's assume no one was out on
17 the street.

18 A. It wouldn't take very long.

19 Q. Well, tell me.

20 A. Not long.

21 Q. Well, what's "not long"? 10
22 seconds? 30 seconds? Five minutes? "Not
23 long" is a relative phrase.

24 A. Well, considering that it was
25 dark and -- and there was parties going on,

1 K. Lamm

2 you'd have to use caution. So maybe you can
3 get there in about, I don't know, two
4 minutes.

5 Q. Okay. How long did it take you
6 to get to Houser's once you got the phone
7 call?

8 A. Just about that time.

9 Q. Were you at Houser's by the time
10 that Snyder got his phone call?

11 A. No. At the time when he was
12 getting the phone call, I was turning the
13 vehicle around because that's a dead end
14 street.

15 Q. So once you got the phone call,
16 you had to turn the vehicle around, is that
17 your testimony?

18 A. Yes.

19 Q. Okay. Did Snyder, before you got
20 to Houser's, advise you as to what was said
21 to him on the phone call?

22 A. He -- he said that the Bosettis
23 are in a fight.

24 Q. Did Snyder tell you who called
25 him?

1 K. Lamm

2 A. I don't recall.

3 Q. Okay. Did Snyder put the
4 phone -- when Snyder got the phone call, did
5 he put it on speaker so that everyone could
6 hear it?

7 A. No. Not that I can recall. I
8 don't believe he did.

9 Q. You don't believe he did?

10 A. No.

11 Q. Okay. Now when you got to
12 Snyder's -- when you got to Houser's,
13 describe what was going on outside of
14 Houser's when you -- when you got there.

15 A. There was people out in the
16 street.

17 Q. Okay.

18 A. And people, as we got there,
19 people were exiting the establishment.

20 Q. Okay. Did you attempt -- did
21 you personally, Mr. Lamm, attempt to stop
22 anyone from leaving before you entered
23 Houser's?

24 A. No. I saw Rich Bosetti outside
25 and --

1 K. Lamm

2 Q. No. The question is yes or no,
3 did you attempt to stop anyone from leaving
4 once you got to Houser's?

5 A. No.

6 Q. Okay. You exited the vehicle; is
7 that true?

8 A. Yes.

9 Q. And Mr. Snyder and Mr. Fiorillo
10 exited the vehicle?

11 A. Yes.

12 Q. Did the three of you walk
13 together to the entrance of Houser's?

14 A. No. We walked over towards Rich
15 Bosetti.

16 Q. Now where was Rich Bosetti in
17 relation to the car when you exited the
18 vehicle?

19 A. He was to the left of the
20 vehicle.

21 Q. How far away from the vehicle to
22 the left was he?

23 A. To give an exact answer, I
24 couldn't tell you exactly how many feet
25 exactly.

1 K. Lamm

2 Q. Can you approximate?

3 A. Or make an approximated guess.

4 Q. You couldn't do either one of the
5 two?

6 A. I could, but it may not be
7 accurate.

8 Q. That's fine. I'll accept your
9 answer with that -- with that caution.

10 A. Maybe about -- I don't know.
11 Could be 40 feet maybe. Maybe.

12 Q. Okay. How many people did --
13 were outside of Houser's as you rolled up?

14 A. For an exact count, I'm not sure.

15 Q. More than 10?

16 A. Yes. More than 10.

17 Q. More than 20?

18 A. Maybe -- maybe close -- close to
19 25 maybe.

20 Q. Okay. And were you in the car
21 when you spotted Richard Bosetti?

22 A. When I got out of the vehicle is
23 when I saw Rich Bosetti.

24 Q. Did Richard Bosetti wave you down
25 or did you spot Mr. Bosetti independently of

1 K. Lamm

2 anything that Mr. Bosetti did?

3 A. Spotted --

4 MR. GOODSTADT: Objection.

5 Q. What's that?

6 A. Spotted him on my own.

7 Q. Okay. And did you approach
8 Mr. Bosetti or did Mr. Bosetti approach you
9 once you spotted him?

10 A. Myself and Tom Snyder approached
11 Rich Bosetti.

12 Q. Okay. And was Mr. Bosetti
13 inebriated, in your opinion?

14 A. He -- he had what appeared to be
15 an alcoholic drink. Smelled the alcohol on
16 him.

17 Q. Okay. And did you have a
18 conversation with Mr. Bosetti when you
19 approached him outside of Houser's when you
20 first rolled up?

21 A. I asked him what happened.

22 Q. And what did Mr. Bosetti say to
23 you?

24 A. He said there was someone being
25 choked.

1 K. Lamm

2 Q. What was that?

3 A. He said someone was being choked.

4 Q. Choked, is that all he said?

5 A. And I said, "Who was being
6 choked?"

7 Q. And what was his response?

8 A. He didn't answer. Then the
9 person that is now known to me as Chris
10 Shalick, he said, "My friend was the one
11 being choked."

12 Q. Okay. So Chris Shalick was
13 standing next to Richard Bosetti while you
14 and Mr. Snyder were talking to him?

15 A. Again, please.

16 Q. Was -- was Mr. Shalick standing
17 next to Mr. Bosetti, Richard Bosetti when
18 you and Snyder were talking to him?

19 A. Yes.

20 Q. Okay. Had he always been there
21 or did he come up while you were speaking
22 with Mr. Bosetti?

23 A. Both of them were there together
24 upon the approach.

25 Q. Okay. Were they involved in an

1 K. Lamm

2 altercation at that time, to the best of
3 your recollection?

4 A. That's what we were asking.

5 Q. No. No. When you saw
6 Mr. Bosetti and you approached him and
7 Mr. Shalick was there with him, was him and
8 Mr. Shalick engaged in any type of
9 altercation?

10 A. I don't know if it was an
11 altercation. They seemed to be in close
12 together, but I don't know if it was an
13 altercation.

14 Q. And this was outside of Houser's?

15 A. Yes.

16 Q. Did you see either one of them
17 throw a fist?

18 A. No, I did not.

19 Q. Did you see either one of them
20 have their hands on the other?

21 A. No, I did not.

22 Q. Did either one of them appear to
23 you to be yelling at the other?

24 A. I don't believe they were.

25 Q. Did either one of them have their

1 K. Lamm

2 finger in the other's face?

3 A. Not that I -- not that I can
4 recall.

5 Q. Okay. So now you went up and you
6 approached Mr. Bosetti. Did you ask who the
7 other individual was before you started
8 talking to Mr. Bosetti?

9 A. Which? The one that was there
10 with Rich Bosetti?

11 Q. Yes. You said it was Chris
12 Shalick, so --

13 A. Who I understand to be known now.

14 Q. Yeah. Did you -- before you
15 started talking to Mr. Bosetti, did you
16 inquire with this other individual who he
17 was?

18 A. Right. Well, after we asked, you
19 know, what happened, the individual, Chris
20 Shalick, said, "It was my friend being
21 choked." Tommy asked Rich Bosetti -- Tom
22 Snyder asked Rich Bosetti, "Rich, what's
23 going on here?" And Rich walked away.

24 MO MR. NOVIKOFF: Motion to strike
25 as nonresponsive.

1 K. Lamm

2 Q. As you walked up to Mr. Bosetti
3 and before you spoke to Mr. Bosetti, did you
4 ask who this individual was that was
5 standing in close proximity to Mr. Bosetti,
6 yes or no?

7 A. Yes.

8 Q. Okay. And did he -- before you
9 spoke to Mr. Bosetti, did this individual
10 identify himself?

11 A. I asked him what his name was.
12 He said, "Chris."

13 Q. And did you ask him his last
14 name?

15 A. I don't know if I asked him his
16 last name at that time.

17 Q. Okay. And you asked -- what
18 was -- what was the first question that you
19 asked Mr. Richard Bosetti?

20 MR. GOODSTADT: Objection.

21 A. I said, "What's going on here?"

22 Q. And did he answer you?

23 A. Yes.

24 Q. Okay. And I think you advised us
25 of his answer. Then what was the second

1 K. Lamm

2 question?

3 MR. GOODSTADT: Objection.

4 A. I said, "Who is this person?"

5 Q. You asked Mr. Bosetti who is this
6 person?

7 A. Um-hum.

8 Q. But you had known this person
9 because you had asked him before you spoke
10 to Mr. Bosetti who he was and he said Chris,
11 correct?

12 MR. GOODSTADT: Objection.

13 That distorts the testimony.

14 A. My understanding of the question
15 you just asked.

16 Q. I'm just trying to understand
17 what you said to the respective individuals.
18 Before you spoke to Mr. Richard Bosetti, did
19 you inquire with this individual what his
20 name was?

21 A. No.

22 Q. Oh. Okay. Fine.

23 A. Because I figured Rich would tell
24 me because he worked for the department.

25 MO MR. NOVIKOFF: Motion to

1 K. Lamm

2 strike.

3 A. And tell me what happened.

4 MO MR. NOVIKOFF: Motion to strike
5 as nonresponsive after "no."

6 MR. GOODSTADT: Just objection.
7 Just to be clear, when you say "this
8 person," are you referring to -- I'm
9 not sure who you're referring to. I
10 think you're both referring to two
11 different people.

12 Q. Well, let's see. He testified --
13 correct me if I'm wrong -- that when he
14 approached Mr. Richard Bosetti, there was a
15 gentleman standing in close proximity to
16 him, correct?

17 A. Correct.

18 Q. And that's a person that you now
19 know to be Chris Shalick, correct?

20 A. That is correct.

21 Q. Was there another person standing
22 next to Mr. -- Mr. Bosetti?

23 A. No. Other than myself and Thomas
24 Snyder.

25 Q. That's right. Now before you

1 K. Lamm

2 spoke to Mr. Bosetti, did you inquire with
3 this individual standing next to him who he
4 was?

5 A. No. I asked Richard Bosetti
6 first.

7 Q. Okay. Well, so you asked
8 Mr. Bosetti who this individual was?

9 A. No. I had asked Rich Bosetti as
10 to what had happened first.

11 Q. That's right. And -- and he --
12 did he answer you?

13 A. Yes.

14 Q. Okay. And then the next question
15 to Mr. Bosetti was what?

16 A. Who was the person --

17 Q. Standing next to him?

18 A. That was being --

19 Q. No? Okay. What was the
20 question?

21 A. Let me finish.

22 MR. GOODSTADT: That's where
23 the confusion came before.

24 A. Who was this person that was
25 being choked.

1 K. Lamm

2 Q. And what did he say, if anything?

3 A. That's when Chris Shalick jumped
4 in and said, "It was my friend being
5 choked."

6 Q. Okay. Did you ask Mr. Bosetti a
7 question after Mr. Shalick spoke?

8 A. I'm sorry. Say that again.

9 Q. Did you ask Mr. Bosetti a
10 question after Mr. Shalick spoke?

11 A. I asked him, "Well, Rich, what's
12 the story?" And he did not answer.

13 Q. Did you ask him again?

14 A. That's when Chris Shalick spoke
15 up and said, "My friend was in a choke --
16 was in a choke hold and I went to go pull
17 him out."

18 Q. Okay. So Mr. Shalick had said
19 two things to you then. One, who he was,
20 and two, that his friend was being choked;
21 is that correct?

22 A. That's right.

23 Q. Okay. Did you ask Mr. Bosetti
24 any other questions?

25 A. No. He had walked away.

1 K. Lamm

2 Q. Did you advise Mr. Bosetti to
3 stay there so that you can further
4 investigate the incident before he left
5 away?

6 A. I figured that being that he
7 worked for the department, he would have
8 stayed there and helped us out.

9 MO MR. NOVIKOFF: Motion to strike
10 as nonresponsive.

11 Q. Did you ask Mr. Bosetti to stay
12 there so that you can continue your
13 investigation before he walked away?

14 A. No. Figured that he worked for
15 the department, he would stay there and help
16 us out.

17 MO MR. NOVIKOFF: Motion to strike
18 as nonresponsive after the word "no."

19 Q. Okay. When Mr. Bosetti walked
20 away, did you continue in your conversation
21 with Chris Shalick?

22 A. Yes, I did.

23 Q. Okay. During any of your
24 conversation with Mr. Bosetti, did you form
25 an opinion as to whether he was intoxicated

1 K. Lamm

2 or not?

3 A. That who was intoxicated?

4 Q. Mr. Bosetti.

5 A. As I've said before, he appeared
6 to have an alcoholic beverage in his hand
7 and he smelled of alcohol.

8 Q. How about from his speech, did
9 you form an opinion from his speech whether
10 or not he was intoxicated?

11 A. No, I couldn't, because it was
12 too short of an answer for him to continue
13 speaking.

14 Q. Did you look into his eyes and
15 determine or form an opinion as to whether
16 or not he was intoxicated?

17 A. I don't recall that.

18 Q. Did any aspect of his physical --
19 of his physicality indicate to you, in your
20 experience as a police officer, whether or
21 not he was intoxicated?

22 MR. GOODSTADT: Objection.

23 A. That I don't recall.

24 Q. How about Mr. Shalick, was he, in
25 your opinion, intoxicated?

1 K. Lamm

2 A. They had all been drinking, so.

3 Q. Well, sir, we know that you
4 weren't in the bar at the time of this
5 incident, correct?

6 A. Correct.

7 Q. So hear my question. When you
8 were speaking to Mr. Shalick, did you
9 have -- form an opinion as to whether or not
10 he was intoxicated?

11 A. He smelled of alcohol.

12 Q. Mr. Shalick did?

13 A. Yes.

14 Q. Did he have a drink in his hand?

15 A. No, he didn't.

16 Q. Okay. How long did you speak
17 with Mr. Shalick outside of Houser's?

18 A. Just a short while. Then we
19 asked, myself and Tom Snyder, if he can
20 identify the person.

21 Q. All right. How long was the
22 conversation? I know you say it's a short
23 while, but that doesn't help me or
24 Mr. Goodstadt. How long was the
25 conversation?

1 K. Lamm

2 MR. GOODSTADT: Objection.

3 MR. NOVIKOFF: Okay.

4 A. Maybe three minutes.

5 Q. Okay. What else did Mr. Shalick
6 say to you, other than what you've testified
7 to so far?

8 A. That he was hit with a pool cue.

9 Q. That Shalick was hit with a pool
10 cue?

11 A. Yeah. In attempt to pull his
12 friend out of a choke hold.

13 Q. Did Shalick indicate to you if
14 the pool cue broke or not?

15 A. I believe they said it broke.

16 Q. Okay. During your conversation
17 with him outside of Houser's?

18 A. From what I can recall.

19 Q. That's -- that's all I'm asking
20 you to do. Now in this three-minute
21 conversation with Mr. Shalick, do you recall
22 him saying anything else to you that you
23 haven't already testified to?

24 A. I believe he stated that one of
25 the individuals was a cop.

1 K. Lamm

2 Q. Okay. Do you recall anything
3 else? Well, did you ask him what is the
4 basis for his belief that one of the
5 individuals was a cop? Now, again, this is
6 just outside of Houser's.

7 A. That's right. I asked him, "How
8 did you know that?" And he said the
9 individual stated it and he had a shield
10 around his neck.

11 Q. Okay. And by -- did you form an
12 opinion by speaking with Mr. Shalick,
13 whether or not he was intoxicated at the
14 time that you were speaking with him?

15 A. I didn't form any opinion at that
16 time.

17 Q. Did you inquire with Mr. Shalick
18 as to how many drinks he had had that night
19 while you were speaking to him outside?

20 A. Not at that moment I didn't.

21 Q. That's all I'm asking you. About
22 that moment. Did you ask him?

23 A. I don't believe I did at that
24 moment.

25 Q. Okay. Anything else you can

1 K. Lamm
2 recall Shalick saying to you during this
3 three-minute conversation outside of
4 Houser's?

5 A. No. I don't recall.

6 Q. What did you personally do next,
7 Mr. Lamm, after you ended your conversation
8 with Mr. Shalick, if anything?

9 A. Another person walked over and he
10 said -- that was a person John Tesoro --
11 and he said that he was hit as well. And I
12 said, "Can you identify who it was if you go
13 back in the bar?" He said yes.

14 Q. How long was your conversation
15 with Mr. Tesoro?

16 A. Maybe a little over a minute.

17 Q. In your opinion, was Mr. Tesoro
18 inebriated at the time you were speaking
19 with him?

20 A. He didn't appear to be very
21 inebriated, but --

22 Q. Well --

23 A. I -- they have all been drinking,
24 so.

25 Q. Well, again, you weren't there at

1 K. Lamm

2 the time of the incident, so you don't know
3 firsthand whether or not they were drinking,
4 correct?

5 A. No. But just the -- the smell of
6 alcohol.

7 Q. Well, inebriation is like
8 pregnancy, sir, you either are inebriated or
9 you're not. So my question is whether or
10 not he was a little inebriated or a lot
11 inebriated, was he inebriated, in your
12 opinion, when you were speaking with him?

13 MR. GOODSTADT: Objection.

14 A. Yes.

15 Q. Okay. Did you ask Mr. Tesoro at
16 that time how many drinks he had consumed
17 that night?

18 A. No. I don't believe so.

19 Q. Okay. So did Mr. Tesoro say
20 anything to you, other than what you've just
21 testified to, in this conversation outside
22 of Houser's?

23 A. Not that I can recall.

24 Q. Okay. And what did you do next,
25 you personally, Mr. Lamm?

1 K. Lamm

2 A. Went behind the two individuals.
3 Thomas Snyder took the lead. You had the
4 two individuals and then myself and
5 proceeded to go into Houser's Bar.

6 Q. Did you speak to anybody, other
7 than these two individuals, before you went
8 into Houser's Bar?

9 MR. GOODSTADT: And Gary -- and
10 Richie Bosetti.

11 MR. NOVIKOFF: Yes. And
12 Richard.

13 A. No.

14 Q. Did any civilians approach you
15 before you walked into Houser's Bar?

16 A. Not that --

17 MR. GOODSTADT: Other than the
18 three people?

19 MR. NOVIKOFF: Yes.

20 A. Not that I can recall.

21 Q. Did you attempt to talk to any
22 of -- any civilians, other than the three
23 people we've been talking about, before you
24 went into the bar?

25 A. No.

1 K. Lamm

2 Q. Okay. You went into the bar.
3 Did any bouncer stop you from going into the
4 bar?

5 A. The bouncer stopped Thomas
6 Snyder.

7 Q. Okay. So before you and
8 Mr. Snyder went in the first time, a bouncer
9 stopped you?

10 A. Not me. Thomas Snyder.

11 Q. Okay. Where were you when this
12 bouncer stopped Mr. Snyder?

13 A. As I said before, it was Thomas
14 Snyder, the two individuals and myself in
15 behind.

16 Q. Okay. And did you witness the
17 bouncer stopping Mr. Snyder?

18 A. Yes. I saw that.

19 Q. Did you hear what the bouncer had
20 said to Mr. Snyder, if anything?

21 A. I don't know what the bouncer
22 said to -- to Thomas Snyder.

23 Q. Do you know what Mr. Snyder said
24 to the bouncer, if anything?

25 A. Yes, I do.

1 K. Lamm

2 Q. And you heard this?

3 A. Yes.

4 Q. What did you hear?

5 A. He says, "You can step aside or
6 you -- or you can be arrested for impeding a
7 police investigation."

8 Q. And did the bouncer step aside?

9 A. Yes, he did.

10 Q. So how long did it take between
11 the time that Mr. Snyder approached the
12 entrance to Houser's and the time that
13 Mr. Snyder went into Houser's?

14 A. To give an exact figure on it, I
15 couldn't tell you. I wasn't time clocking
16 it.

17 Q. I understand you weren't time
18 clocking it, but was it five seconds?

19 A. No. Maybe a little longer than
20 that.

21 Q. 10 seconds?

22 A. That the doorman was preventing
23 Thomas Snyder from getting in?

24 Q. Yeah. So it was about 10
25 seconds?

1 K. Lamm

2 A. I would use that for now. 10
3 seconds.

4 Q. I don't want you to agree with me
5 just for the sake of agreeing with me, sir.
6 I mean, I think it's clear you testified
7 that Snyder --

8 A. I may recall later that it might
9 have been a different time, but for now, 10
10 seconds seems to be pretty somewhat fair.

11 Q. Okay. Great. What did you
12 personally do next once the bouncer
13 permitted you, Snyder, Tesoro and Shalick to
14 go in the bar?

15 MR. GOODSTADT: Objection.

16 A. We told them to look around.

17 Q. You told who to look around?

18 A. Chris Shalick.

19 Q. Okay.

20 A. John Tesoro.

21 Q. Did you tell them -- what did you
22 tell them to look for, if anything?

23 A. If they can identify the
24 individual.

25 Q. Okay. And what did you do after

1 K. Lamm

2 you told them to -- and did you tell them
3 to look around or did Snyder tell them to
4 look around?

5 A. We both did.

6 Q. Same time?

7 A. Yeah. Well --

8 Q. In stereo? At the same time you
9 told them both to look around?

10 A. As we got in there -- Tom --
11 Thomas Snyder said, you know, "Look around.
12 See if you can identify anyone." And we
13 walked to the back of the -- of the
14 establishment out onto the back deck, and
15 that's when I said, "If you can -- if you
16 can identify anyone, let us know."

17 Q. So Shalick and Tesoro walked with
18 you through the bar to the back deck?

19 A. They did.

20 Q. Okay. Now you had known that the
21 Bosettis -- withdrawn. By virtue of the
22 call to Snyder, you were aware that someone
23 had alleged that the Bosettis were involved
24 in a fight, correct?

25 A. It may have only been one.

1 K. Lamm

2 Q. Sir, let's go back to what --
3 let's go back to what you testified to. You
4 said Snyder got a call, right?

5 A. Yes.

6 Q. And you said that Snyder told you
7 that the Bosettis were in a fight, correct?

8 A. Correct.

9 Q. So at least as of the time that
10 you rolled up to Houser's and spoke to
11 Richard Bosetti, you had no idea as to
12 whether it was either Richard or Gary
13 Bosetti in the fight, all you knew is that
14 someone had said the Bosettis were in a
15 fight, correct?

16 A. Correct.

17 Q. And given the knowledge that you
18 knew, according to the phone call, that the
19 Bosettis were in a fight, you permitted
20 Richard Bosetti to leave a potential crime
21 scene, correct?

22 MR. GOODSTADT: Objection.

23 A. I didn't give him any potential
24 to leave. He worked for the department.

25 Q. Was he a civilian at the time or

1 K. Lamm

2 was he on duty at the time?

3 A. He was a civilian at the time.
4 He was a civilian then, too, because he was
5 never certified to be a police officer.

6 Q. Yeah. I get that, sir. But he
7 wasn't on duty at the time, was he?

8 A. No, he wasn't. But if he worked
9 for the department, you figured he would
10 have helped us out.

11 MO MR. NOVIKOFF: Motion to
12 strike.

13 Q. Was he on duty at the time, sir?

14 A. No, he wasn't.

15 Q. Okay. And you know of no
16 impediment, no law that says you can't
17 arrest an off duty police officer who may be
18 involved in a physical altercation, do you?

19 A. Not that I'm aware of.

20 Q. Are you aware of any law in the
21 State of New York that says you can't detain
22 an off duty police officer who you have
23 become aware of may be involved in a crime?

24 A. Not that I'm aware of.

25 Q. Right. Okay. So now you're in

1 K. Lamm

2 the bar and you have knowledge that the
3 Bosettis have been in a fight, correct, at
4 least according to the phone call to Snyder,
5 right?

6 A. Yes.

7 Q. You knew what Gary Bosetti looked
8 like -- looked like, correct?

9 A. Yes.

10 Q. There was no doubt as to what
11 Gary Bosetti looked like, in your opinion,
12 right?

13 A. That's right.

14 Q. So can you explain for the jury
15 if you were aware as to who may have been
16 involved in the fight, why you needed the
17 civilians to see if Gary Bosetti was in the
18 bar?

19 A. Because they were there for the
20 incident and they had to identify the person
21 that was in this altercation with them.

22 Q. Did you look by yourself --
23 withdrawn. Did you look for Gary Bosetti
24 while you were in the bar?

25 A. Myself and Thomas Snyder

1 K. Lamm
2 approached Rich Bosetti and asked, "Where's
3 your brother?"

4 Q. I'm not talking about what took
5 place outside. When you were in the bar,
6 did you look for Gary Bosetti? You
7 personally?

8 A. When I was inside the bar --

9 Q. Yes. That's what I'm asking.

10 A. I -- I'm giving you the answer.

11 Q. Okay.

12 A. I asked Rich Bosetti, "Where is
13 your brother?"

14 Q. You said Rich Bosetti walked
15 away?

16 A. He went back into the bar.

17 Q. Oh, so while you were talking
18 with Shalick, Bosetti walked away and went
19 back into the bar, is that your testimony?

20 A. Yes.

21 Q. Okay. So when you were in the
22 bar, you approached Richard Bosetti?

23 A. Yes.

24 Q. And what did you ask him?

25 A. "Where's your brother?"

1 K. Lamm

2 Q. And what did he say?

3 A. He didn't answer.

4 Q. Did you ask him anything else?

5 A. Thomas Snyder.

6 Q. No. You. Did you ask him
7 anything else?

8 A. I said, "What happened in here?"
9 And he still didn't answer.

10 Q. But you had already asked him
11 that outside, right?

12 A. Yes.

13 Q. Did you -- why didn't you ask him
14 outside where his brother was, since you had
15 known by that time that the Bosettis were
16 involved in a fight?

17 A. Because we didn't have all the
18 facts yet.

19 Q. You didn't have any more facts
20 when you walked in, did you?

21 A. That's why they had to go inside
22 and identify.

23 Q. But, sir, you were told on the
24 phone call that the Bosettis were in a
25 fight, right?

1 K. Lamm

2 A. I was not told that.

3 Q. You heard that from Snyder?

4 A. Yes.

5 Q. You knew what Snyder had told you
6 when you first approached Bosetti outside,
7 right?

8 A. Yes.

9 Q. But you didn't ask Richard
10 Bosetti when you were outside where his
11 brother was, did you?

12 A. No.

13 Q. Okay. So let's go back inside.
14 You asked Bosetti where his brother was and
15 he didn't answer you, right?

16 A. Right.

17 Q. You asked Richard Bosetti what
18 went on and he didn't answer you?

19 A. Right.

20 Q. Did you believe he was being
21 uncooperative in the investigation?

22 A. Yes.

23 Q. Okay. So if I understand this
24 correctly, you are aware from a phone call
25 that Mr. Richard Bosetti was potentially

1 K. Lamm

2 involved in hitting someone with a pool cue,
3 he was being uncooperative in an
4 investigation, and you allowed him to leave
5 the bar; is that correct?

6 A. We didn't know if Rich Bosetti
7 hit anyone with a pool cue.

8 Q. That wasn't my question, sir.
9 Sir, you were advised by Mr. Snyder that
10 someone had called up and said the Bosettis
11 were in a fight, right?

12 A. Yes.

13 Q. You were told by Shalick and
14 Tesoro that someone had swung and hit them
15 with a pool cue, right?

16 A. Yes.

17 Q. Okay. Bosetti was in the bar,
18 right?

19 MR. GOODSTADT: Objection.

20 Q. Correct?

21 MR. GOODSTADT: Which Bosetti?

22 A. At what time?

23 Q. Rich Bosetti, when you first
24 walked in the bar, right?

25 A. He went back into the bar, and

1 K. Lamm

2 when we walked in there, he was in there.

3 Q. And you asked him two questions
4 which he didn't answer?

5 A. Right.

6 Q. At some point in time, did Rich
7 Bosetti leave the bar?

8 A. I'm sure he did, after we left.

9 Q. So while you were still there,
10 Richard Bosetti was there?

11 A. Yes.

12 Q. Is that your testimony?

13 A. Yes.

14 Q. Okay. So let's stay there. Did
15 you ask Richard Bosetti any other questions
16 concerning the incident while you were in
17 Houser's for the first time?

18 A. I believe -- I -- just from what
19 I remember, I asked him, "What happened in
20 here and where's your brother?"

21 Q. Okay. So those are the only two
22 questions you recall asking him?

23 A. From what I can recall, yes.

24 Q. Did Mr. Snyder, in your presence,
25 ask Mr. Richard Bosetti any questions?

1 K. Lamm

2 A. Yes.

3 Q. What did Mr. Snyder ask him?

4 A. From what I can recall, I
5 remember him asking basically the same
6 thing. "Where's your brother?"

7 Q. Okay. And was Mr. Richard
8 Bosetti as uncooperative with regard to
9 Snyder's questions as he was with yours?

10 A. Yes.

11 Q. Okay. Did Mr. Fiorillo, in your
12 presence, ask Mr. Richard Bosetti any
13 questions while you were in the bar?

14 A. Mr. Fiorillo was not inside the
15 bar.

16 Q. Okay. Was Mr. Fiorillo ever
17 inside the bar while you and Mr. Snyder were
18 in the bar?

19 A. I don't believe so.

20 Q. Okay. That's -- that's fine. So
21 Richard Bosetti was uncooperative in
22 response to your two questions. What, if
23 anything, did you do next? Well, let me ask
24 you a question. Did you talk to Richard
25 Bosetti as soon as you got into the bar?

1 K. Lamm

2 A. No. As soon as we got into the
3 bar, we went to the back deck for them to
4 make an ID.

5 Q. And did they make an ID?

6 A. They said, "He's not in here."
7 But they pointed to Rich Bosetti and they
8 said, "He was with this guy and he looked
9 like this guy."

10 Q. Okay. Did you -- well, what did
11 you do next after -- well, who said "he
12 looked like this guy"?

13 A. Chris Shalick.

14 Q. After Chris Shalick made this
15 statement to you, what, if anything, did you
16 do next?

17 A. I went over by the bar itself and
18 there was somebody there by the name of Dan
19 McKenna, and I asked him what he seen in
20 here tonight.

21 Q. And what did he say?

22 A. "I didn't see anything. I'm
23 going home."

24 Q. Okay. And what, if anything, did
25 you do next?

1 K. Lamm

2 A. We had them continue looking
3 around by the bathrooms.

4 Q. Okay.

5 A. And they said, "He's not in
6 here."

7 Q. And what, if anything, did you
8 personally do next?

9 A. They said that they had injuries,
10 and I asked out loud if anybody seen
11 anything happen in here tonight.

12 Q. And what, if anything, came back
13 to you in response?

14 A. There was no response.

15 Q. Okay. How many people were in
16 the bar at that time?

17 A. At that time, maybe 10 or less
18 than 10 at that time.

19 Q. Did you take the names down of
20 the people that were in the bar at that
21 time?

22 A. No.

23 Q. Did you inquire with Mr. Tesoro
24 or Mr. Shalick as to whether Richard Bosetti
25 was involved in the physical altercation?

1 K. Lamm

2 A. I don't remember at that time if
3 I did or not.

4 Q. Specifically you now, did you ask
5 Mr. Tesoro what happened -- while you were
6 in the bar now, did you ask Mr. Tesoro his
7 version of the events?

8 A. He said that --

9 Q. My question is, did you ask
10 Mr. Tesoro to describe for you his version
11 of the events that happened?

12 A. I asked him to tell me, but
13 exactly where I asked him, whether I was
14 inside the bar at that time or just had
15 left, I don't remember where I asked him.

16 Q. Okay. Next -- same question with
17 regard to Mr. Shalick?

18 A. Same thing.

19 Q. Okay. How long were you in the
20 bar for? You personally now. I'm not
21 asking you about Snyder.

22 A. Maybe close to 10 minutes.

23 Q. Okay. Had any further
24 conversations with Mr. Richard Bosetti while
25 you were in the bar for these 10 minutes

1 K. Lamm

2 maybe?

3 A. No.

4 Q. Okay. Did you instruct
5 Mr. Bosetti to come with you to the police
6 station to give a statement prior to you
7 leaving the bar?

8 A. I don't remember exactly, but at
9 that time, we needed to aid the -- aid the
10 victims. Get them first aid.

11 MO Q. My question to you, sir, is --
12 and motion to strike -- did you ask
13 Mr. Bosetti, Richard Bosetti to accompany
14 you to the police station to give his
15 version of the events?

16 A. I don't recall.

17 Q. Okay. Did you look for the pool
18 cue that Mr. Shalick had said was broken in
19 half?

20 A. Yes, we did.

21 Q. Did you find it?

22 A. No.

23 Q. How long did you look for it?

24 A. For as long as we were in there.

25 Q. You looked under every table?

1 K. Lamm

2 A. From what I can remember, there
3 were small tables up against the wall. The
4 floor was opened.

5 Q. What did -- did you look under
6 the pool table?

7 A. Yes.

8 Q. Okay.

9 A. And on the pool rack.

10 Q. Okay. What did you -- so you saw
11 no evidence of a broken pool cue, correct?

12 A. No.

13 Q. What did you personally do next
14 upon your leaving Houser's?

15 A. Escorted the two individuals back
16 to the police station.

17 Q. Did you ever go back to Houser's
18 the morning of the 31st to further
19 investigate the incident?

20 A. No.

21 Q. Are you aware if Mr. Snyder ever
22 went to -- back to Houser's the morning of
23 the 31st to further investigate the
24 incident?

25 A. I'm not aware if he did.

1 K. Lamm

2 Q. How about Mr. Fiorillo?

3 A. I'm not aware if he did.

4 Q. Okay. Now did any patron state,
5 in your presence in Houser's Bar, that they
6 were afraid that there was going to be a
7 cover up when you were in the bar?

8 A. Chris Shalick said something that
9 this -- this is going to be covered up.
10 Exactly where and when he stated that, I'm
11 not sure if it was inside the bar, outside
12 the bar, but he said it inside the police
13 station.

14 Q. Other than Mr. Shalick, in the
15 bar itself, did any other individual say
16 that they believed that there was going to
17 be a cover up?

18 A. I don't recall.

19 Q. Before you walked into Houser's,
20 did you hear anybody say that there was
21 going to be a cover up?

22 A. I don't remember at this time.

23 Q. As -- when you left Houser's and
24 before you got to the police station, did
25 anyone state, in your presence, that there

1 K. Lamm
2 was going to be a cover up?

3 A. I believe going back to the
4 police station, that's when Chris Shalick
5 said that this is going to be a cover up.

6 Q. Sir, my question to you is, other
7 than Mr. Shalick, between the time that you
8 left Houser's Bar and the time you got to
9 the police station, did anybody say to you
10 that they believed it was -- there was going
11 to be a cover up?

12 A. Not that I can recall.

13 Q. Okay. Did you have Gary
14 Bosetti's cell phone number?

15 A. Not personally on me.

16 Q. Could you have acquired that cell
17 phone number?

18 A. Yes, I could have.

19 Q. How could you have?

20 A. I would have to go through the
21 police Rolodex.

22 Q. And that was in the police
23 station?

24 A. Yes.

25 Q. Did you attempt to reach Gary

1 K. Lamm

2 Bosetti via cell phone the morning of
3 October 31, 2004?

4 A. No, I did not.

5 Q. Did you call Sergeant Hesse at
6 any point in time during the morning of
7 October 31, 2004? You personally now, I'm
8 not asking you about anybody else.

9 A. No, I did not call Sergeant
10 Hesse.

11 Q. Did you call Chief Paridiso at
12 any time during the morning of October 31,
13 2004?

14 A. No, I did not.

15 Q. Okay. Did you call Mayor Rogers?

16 A. No.

17 Q. Okay. Now what -- when you got
18 to the police station, what time was it?

19 A. Close -- close to 3:00 a.m.

20 Q. Okay. What, if anything, did you
21 do next at 3:00 a.m. when you went to the
22 police station with Shalick and Tesoro? You
23 personally now, not anybody else.

24 A. I asked about his -- about his
25 injury and he was holding his arm. And I

1 K. Lamm
2 gave him an ice pack at that time.

3 Q. Did you ask him -- and who is
4 this again?

5 A. Shalick.

6 Q. Did you ask Shalick to -- to
7 describe for you his version of the events
8 when he was in the police station?

9 A. Yes. That's -- we took out
10 statement forms.

11 Q. Okay. And did you take notes
12 down as he was writing before you put --
13 well, who wrote the statement, you or
14 Shal -- you or Shalick?

15 A. Chris Shalick wrote the statement
16 I believe.

17 Q. Okay. Did you take any notes of
18 anything that Mr. Shalick said?

19 A. I may have. I don't recall that.

20 Q. Okay. Did you take any -- did
21 you have any communication with Vankoot that
22 evening?

23 A. Yes, I did. When we got back to
24 the station, Frank, shortly after, brought
25 another -- a third individual back who was

1 K. Lamm

2 Brian Vankoot, who had injuries to his face
3 and -- and his throat.

4 Q. And what communications, if any,
5 did you have with Vankoot?

6 A. He said that he was in a choke --
7 choke hold.

8 Q. Did you ask him -- I mean, what
9 precipitated him telling you this
10 specifically?

11 A. I don't remember exactly.

12 Q. Is that the only communication
13 that you had with Vankoot -- Vankoot while
14 he was in the police station?

15 A. There may have been more, but I
16 don't remember.

17 Q. Okay. Did you have any
18 communications with Tesoro when he was in
19 the police station?

20 A. Yes, I did.

21 Q. Describe for me the
22 communications that you had with Tesoro.

23 A. He said that he was hit with a
24 fist or a foot about the head.

25 Q. What precipitated Mr. Tesoro

1 K. Lamm

2 telling you this?

3 A. I asked him about what had
4 happened.

5 Q. Was it your responsibility that
6 night to take Mr. Tesoro's statement?

7 A. Yes. He was there. I took his
8 statement.

9 Q. You took -- as opposed to Snyder
10 or Fiorillo, you took Mr. Tes -- Mr.
11 Tesoro's statement?

12 A. I believe I took his statement.

13 Q. And as opposed to Snyder and
14 Fiorillo, you took Shalick's statement?

15 A. I took Shalick's statement, yes.

16 Q. Did you take Vankoot's statement?

17 A. I think one of the other officers
18 took Vankoot's statement.

19 Q. And did you take any -- any
20 notes with regard to what Tesoro said to
21 you?

22 A. I don't recall. I took -- I had
23 taken photos of the injuries and rescue was
24 called.

25 Q. Okay. Where did Tesoro write out

1 K. Lamm

2 his statement?

3 A. I believe it was -- it was in the
4 police station.

5 Q. Was Richard Bosetti in the police
6 station at any point in time between the
7 time that you arrived at the police station
8 with Tesoro and Shalick and the time that
9 rescue came?

10 A. Yes. Rich Bosetti did come in
11 the police station.

12 Q. And did you attempt to question
13 him?

14 A. When he came in there, he said he
15 was going to use the bathroom, and that's
16 when Chris Shalick pointed and said, "This
17 is going to be a cover up," and we asked
18 Rich to leave because he was disrupting
19 the -- the victims.

20 Q. Well, what was he doing that was
21 disruptive?

22 A. Because when he came in there,
23 they seemed to get a little rambunctious,
24 and we asked Rich to leave.

25 Q. What do you mean by rambunk --

1 K. Lamm

2 "rambunctious"?

3 A. Because they were say -- Chris
4 Shalick was saying that this is going to be
5 a cover up, and he seemed to get agitated,
6 so that's when we asked Rich to leave.

7 Q. Did Vankoot get agitated?

8 A. No.

9 Q. Did Vankoot say there was going
10 to be a cover up?

11 A. I don't recall.

12 Q. Did Tesoro get agitated?

13 A. I don't recall.

14 Q. Did Tesoro get -- did Tesoro say
15 there was going to be a cover up?

16 A. I don't recall.

17 Q. So how long did you personally
18 see Richard Bosetti in the -- in the police
19 station?

20 A. Maybe two minutes.

21 Q. Okay. And how long -- was there
22 any other civilians in the police station
23 when Vankoot, Shalick and Tesoro were in the
24 police station?

25 A. I think later one of the friends,

1 K. Lamm

2 a girlfriend came by the station when he was
3 in there. Vankoot.

4 Q. And did you take the statement of
5 the girlfriend?

6 A. I myself didn't.

7 Q. Did you ask the girlfriend what
8 happened?

9 A. Not me myself, no.

10 Q. Okay. Other than the girlfriend
11 and the three individuals that we're talking
12 about and Richard Bosetti, were there any
13 other civilians in the police station?

14 A. If you want to consider the EMTs
15 civilians.

16 Q. How long after you arrived did
17 the EMT people come?

18 A. Well, when they were called, they
19 came to the station.

20 Q. Yeah. How long was it?

21 A. Were they there at the station
22 or --

23 Q. You arrived at 3:00. When did
24 they arrive?

25 A. Quickly. Maybe within -- maybe

1 K. Lamm
2 within four minutes.

3 Q. And how long did they stay?

4 A. They stayed for quite a while,
5 because we had to call a Suffolk County
6 police boat to come transport the aided off
7 the island.

8 Q. When did -- when did -- when did
9 the three gentlemen that were alleged
10 victims leave the police station?

11 A. Well, I believe my -- I believe
12 one of them, which is Bri -- Vankoot, he was
13 taken off by police boat. And exact time,
14 I -- I don't know an exact time. But he
15 was -- EMTs said that he had an unaligned
16 trachea.

17 MO MR. NOVIKOFF: Okay. Motion to
18 strike as nonresponsive.

19 Q. When -- how did the other two
20 alleged victims leave the police station?

21 A. I believe they walked out, from
22 what I can remember.

23 Q. How long after -- well, did they
24 leave -- did they walk out before or after
25 Vankoot was taken out of the police station?

1 K. Lamm

2 A. I think after Vankoot left on the
3 boat is when they left.

4 Q. How long after Vankoot left on
5 the boat did the individuals leave, the
6 other two individuals leave?

7 A. It was around the same time
8 frame.

9 Q. And after Tesoro gave his
10 statement, did you have any further
11 communications with him while he was in the
12 police station?

13 A. If I did, I don't recall it.

14 Q. After -- I'm sorry, let me ask
15 the question again. After Tesoro wrote out
16 his statement, did you have any further
17 communications with him in the police
18 station?

19 A. I may have, but I -- I don't
20 recall. Rescue came in there and was
21 administering treatment.

22 MO MR. NOVIKOFF: Motion to strike
23 everything after "I don't recall."

24 Q. After Shalick wrote out his
25 statement, did you have any further

1 K. Lamm

2 communications with him while he was in the
3 police station?

4 A. Yes.

5 Q. And what did -- what was the sum
6 and substance of this communication?

7 A. He stated that his friend was in
8 a choke hold and he went to pull his friend
9 out of the choke hold, and that's when he
10 got hit with the pool cue.

11 Q. All right. Did he say anything
12 else about what led up to the incident?
13 Actually, let me rephrase the question. Did
14 Shalick ever discuss with you, outside of
15 his written statement, what he perceived to
16 have happened that led up to the alleged
17 physical altercation with Gary Bosetti?

18 A. I don't recall that.

19 Q. Did you ask him that?

20 A. I may have.

21 Q. Do you recall as you sit here
22 today doing it?

23 A. At this time, I don't.

24 Q. With Tesoro, did you ever ask
25 Tesoro, independent of his written

1 K. Lamm

2 statement, what he perceived took place that
3 led up to the physical altercation with Gary
4 Bosetti?

5 A. I believe he went in to -- to
6 help his friend, from what he had stated,
7 and that's when he was hit as well.

8 MO MR. NOVIKOFF: Motion to strike
9 as nonresponsive.

10 Q. My question to you is, did you
11 ask Tesoro what his version of the events
12 were that led up to the physical
13 altercation, independent of -- of what he
14 may have written in his written statement?

15 A. I may have, but I don't recall
16 that.

17 Q. Fine. What forms did you fill
18 out -- well, when did you leave -- when
19 did your shift end that night?

20 A. Mine ended at 5:00 a.m.

21 Q. 5:00 a.m. on October 31?

22 A. Yes.

23 Q. You came into the police station
24 at 3:00 with the alleged victims, correct?

25 A. Approximately.

1 K. Lamm

2 Q. How soon prior to the end of your
3 5:00 shift did every alleged victim leave
4 the police station?

5 MR. GOODSTADT: Objection.

6 MR. NOVIKOFF: Yeah, I know.

7 It was ugly form, but it's late.

8 A. To give an exact timing, I
9 couldn't.

10 Q. Approximate?

11 A. But maybe we'll say 4:30.

12 Q. Okay. What forms did you
13 personally fill out, if any, before the end
14 of your shift on October 31, 2004?

15 A. It was just one of the statement
16 forms I -- that they had wrote on. I had to
17 sign it.

18 Q. Okay. And whose did you sign?

19 A. Chris Shalick's.

20 Q. Okay. You didn't sign Tesoro's?

21 A. I'm not sure if I did.

22 Q. Okay. Why did you have to sign
23 Shalick's form?

24 A. I was the officer there that he
25 was giving the statement to.

1 K. Lamm

2 Q. Okay. Other than you signing off
3 on Shalick's form and maybe Tesoro's form,
4 what other forms, if any, did you personally
5 write out before the end of your shift on
6 October 31, 2004?

7 A. I don't believe I personally
8 wrote out any other forms.

9 Q. That's -- that's fine. Did you
10 write out any forms after October 31, 2004
11 concerning the Halloween incident?

12 A. I was asked to write a statement.

13 Q. My question isn't what you were
14 asked. Did you write out any official
15 police forms, after October 31, 2004,
16 concerning the Halloween incident?

17 A. Handwritten as you say "write
18 out"?

19 Q. Yeah.

20 A. No.

21 Q. Did you type out?

22 A. Yes.

23 Q. What did you type out?

24 A. I was asked to give a statement
25 as to what the events were of that incident.

1 K. Lamm

2 Q. Who asked you?

3 A. George Hesse.

4 Q. When did George Hesse ask you
5 this?

6 A. A few days after. Maybe four
7 days, five days after.

8 Q. Now this was off season, correct?

9 A. Yes.

10 Q. Did George Hesse ask you -- I
11 mean, did he ask you this over the phone?

12 A. I don't know if it was in phone
13 or it was the next day when I was working.
14 But he did -- he did ask me.

15 Q. It could have been -- could have
16 been the evening of October -- of November
17 1?

18 A. It could have been. It could
19 have been the next day I was working.

20 Q. What did Mr. Hesse ask you?

21 A. For me to write out a statement
22 as to what had happened.

23 Q. Did Mr. Hesse ask you why he
24 wanted you to write out a statement?

25 MR. GOODSTADT: Objection.

1 K. Lamm

2 A. I don't recall. But it was an
3 uncommon practice.

4 Q. Well, I was going to get to that.
5 But my question to you is, did Mr. --
6 Mr. Hesse -- no. I'm sorry. Did Mr. Hesse
7 advise you as to why he was asking you --
8 advising you -- did Mr. Hess advise you as
9 to why he was asking you to write out the
10 statement, type out the statement?

11 A. He just said he wanted to know
12 what had happened.

13 Q. And did you make -- did you
14 respond to him in any way?

15 A. I said yes, okay, and I typed
16 something out.

17 Q. And did -- who did you give it
18 to?

19 A. It was sent to George Hesse.

20 Q. How did you send it to George
21 Hesse?

22 A. Through an email.

23 Q. What was your next communication
24 with George -- oh, through an email?

25 A. Yes.

1 K. Lamm

2 Q. Okay.

3 A. Again, uncommon practice.

4 MO MR. NOVIKOFF: I got that.

5 Motion to strike.

6 Q. How long was this statement?

7 A. I believe two pages.

8 Q. Okay. And what was the next
9 communication -- well, did you have any
10 communication with Chief Paridiso concerning
11 the Halloween incident?

12 MR. GOODSTADT: At any time or
13 in that time frame?

14 MR. NOVIKOFF: In the time
15 frame between the Halloween incident
16 and the end of the year.

17 A. I don't -- I don't believe I
18 did. I may have, but I'm not for certain.

19 Q. Before -- between the end --
20 between the new year and June, the end of
21 June 2005, did you have any communication
22 with Chief Paridiso concerning the Halloween
23 incident?

24 A. Other than the fact that John
25 Cherry, Patrick Cherry was the one doing an

1 K. Lamm

2 investigation on it. That was it.

3 Q. Well, when did you have a
4 communication with Chief Paridiso concerning
5 Pat Cherry doing the investigation?

6 A. I received that communication
7 from actually George Hesse about Cherry
8 doing the investigation on the Halloween
9 incident.

10 Q. Okay. So my question to you is,
11 what communications did you have with Chief
12 Paridiso before the end of June '05
13 concerning the Halloween incident?

14 A. I don't believe -- if I did have
15 any, I don't recall it.

16 Q. That's fine. After you emailed
17 your statement to Chief -- to Mr. Hesse,
18 when was your next communication, if any,
19 with Mr. Hesse concerning the Halloween
20 incident?

21 A. The next time I saw him when
22 working, I asked him what's going on with
23 the -- with the incident.

24 Q. And what did he say to you, if
25 anything?

1 K. Lamm

2 A. He said -- he said it's under
3 investigation.

4 Q. And what did you say to him, if
5 anything?

6 A. I said, "Okay. Well, let me know
7 if you need anything."

8 Q. And what did he say?

9 A. "Okay."

10 Q. What was your next communication
11 with Mr. Hesse after that communication
12 concerning the Halloween incident?

13 A. I asked him one more time. It
14 was approximately -- maybe another month or
15 so, five weeks after, and I said, "Anything
16 happen with the investigation of the
17 Halloween incident?" He says, "It's still
18 under investigation."

19 Q. Was that your last communication
20 with Mr. Hesse concerning the Halloween
21 incident before the end of the year?

22 A. End of the year as in what year?

23 Q. 2004?

24 A. No. I said at first I had a
25 communication with him after I wrote the

1 K. Lamm

2 statement, so maybe it was just the
3 beginning of the -- the new year.

4 Q. Oh, okay.

5 A. Two communications.

6 Q. Between -- and other than those
7 two communications that you've just
8 testified to, when was the next time, if
9 any, that you had a communication with
10 Mr. Hesse concerning the Halloween incident?

11 A. The next time he spoke to me was
12 in June of 2005.

13 Q. And what, if anything, did he
14 say?

15 A. He said, "I just wanted to tell
16 you that the Halloween investigation is
17 over."

18 Q. And what did you say in response,
19 if anything?

20 A. I said, "How come we weren't
21 asked to appear in court or -- or asked our
22 side of the story?"

23 Q. And what, if anything, did he
24 respond?

25 A. He said, "You weren't needed."

1 K. Lamm

2 Q. And what, if anything, did you
3 respond?

4 A. I said, "How were we not needed?
5 We were there for it."

6 Q. And what, if anything, did Hesse
7 respond?

8 A. He said, "The statement you wrote
9 was no good and that's not what happened."

10 Q. And what -- okay. I'm sorry.
11 Did --

12 A. Yes, you interrupted me. It's
13 okay. I said, "How do you know what
14 happened? You weren't there. I was."

15 Q. And what, if anything, did Hesse
16 say to you?

17 A. He says, "What you wrote wasn't
18 any good," and he pointed to himself, and he
19 says, "I know what happened," and he held up
20 a folder, and he said, "This is what
21 happened."

22 Q. And what, if anything, did you
23 say in response to Hesse?

24 A. I said, "The statement that I
25 wrote is what happened."

1 K. Lamm

2 Q. And what, if anything, did Hesse
3 say to you?

4 A. He goes, "I want you to take a
5 look at this and -- and see what we have."

6 MR. NOVIKOFF: Okay. Let --
7 we're going to continue with this. We
8 have to change the tape. Can we just
9 stay in the room instead --

10 MR. GOODSTADT: I have to use
11 the restroom. I won't --

12 MR. NOVIKOFF: Yeah. Let's not
13 take long because I don't think I have
14 all that much, and I'd just as soon get
15 done in the next 10 or 15 minutes
16 instead of waiting 10 or 15 minutes.

17 MR. GOODSTADT: Yeah.
18 That's --

19 THE VIDEOGRAPHER: This ends
20 tape number six. The time is 5:29 p.m.
21 We're going off the record.

22 (A break was taken.)

23 THE VIDEOGRAPHER: This begins
24 tape number seven. The time is 5:37
25 p.m. Back on the record.

1 K. Lamm

2 Q. Now, Mr. Lamm, we were talking
3 about your conversation with Mr. Hesse in
4 June of 2005, do you recall that?

5 A. Yes.

6 Q. What else was said in this
7 conversation, other than what you've already
8 testified to?

9 A. When Hesse said that this is what
10 happened, he pointed to himself and said, "I
11 know what happened. This is what happened,
12 and I want you to read it." And I said,
13 "That's not what happened." And then I told
14 him what had happened. And I also told him
15 that Joe Loeffler was there at the -- at the
16 police station that stated it was an assault
17 second.

18 Q. Now you told him what happened
19 based upon what the alleged victims told you
20 what happened, correct?

21 A. Correct. And --

22 Q. Yes or no, correct?

23 A. Yes.

24 Q. Okay.

25 A. And what Joe Loeffler said about

1 K. Lamm

2 it being an assault second.

3 MO MR. NOVIKOFF: Okay. Did you
4 tell -- well, I'm going to move to
5 strike everything other than the word
6 "yes."

7 MR. GOODSTADT: Okay.

8 Q. And other than -- after you told
9 Mr. Hesse what Mr. Loeffler said, what, if
10 anything, did Hesse say to you?

11 A. He said, "I want you to read this
12 folder."

13 Q. And what, if anything, did you
14 say to Hesse in response?

15 A. So I looked at it, and as I was
16 looking at it, I said, "These are just
17 statements written from your friends."

18 Q. What did Mr. Hesse say in
19 response to that?

20 A. He said --

21 Q. If anything?

22 A. He said, "Well, that's what
23 happened. Those were the witnesses."

24 Q. And what, if anything, did you
25 say to Hesse?

1 K. Lamm

2 A. I said, "How come they didn't
3 give us any statements?"

4 Q. How come who didn't give you any
5 statements?

6 A. The ones that were there that
7 gave statements. How come they didn't
8 cooperate with us. And also, I said, "How
9 come we don't have the Bosettis in here to
10 discuss this?"

11 Q. And what, if anything, did Hesse
12 say to you in response?

13 A. He said, "Gary Bosetti was wrong
14 for leaving the scene."

15 Q. And what, if anything, did you
16 say?

17 A. I said, "Well, how come we
18 weren't asked to appear in court for any of
19 this? And how come we weren't asked all
20 these months that have passed by to be part
21 of this investigation?"

22 Q. And what, if anything, did Hesse
23 say?

24 A. He said, "You weren't needed."

25 Q. I think we established that. So

1 K. Lamm

2 is there anything else that you said to
3 Hesse, other than what you've already
4 testified to?

5 A. No. I said, "that's not" -- I
6 said, "The way you're -- you're saying it,
7 that's not what happened."

8 Q. Okay. And you've said that. Now
9 is there anything else that you recall
10 saying to Hesse or Hesse saying to you,
11 other than what you've just testified to?

12 A. Hesse told me that after the
13 incident occurred, that Matt the plumber
14 took Gary Bosetti off the Island and drove
15 him to the Fire Island Lighthouse so he
16 could leave.

17 Q. Great.

18 A. In his own personal vehicle.

19 Q. What else, if anything, do you
20 recall being said between you and Hesse,
21 other than what you just testified to?

22 A. I believe that's all for now.

23 Q. How long was this phone
24 conversation with Hesse?

25 A. I was -- it was in person in the

1 K. Lamm
2 police station.

3 Q. How long was this in person
4 conversation?

5 A. About 15 minutes.

6 Q. Was anyone else present with you?

7 A. Not with me. But John Cherry was
8 there.

9 Q. Okay. Anyone else, besides
10 Cherry, Chief -- well, Sergeant Hesse and
11 you?

12 A. That was it. That I'm aware of.

13 Q. Well, you would have been aware
14 of who was in the room, right?

15 A. I would have, yes.

16 Q. Okay.

17 A. But there could have been, you
18 know, somebody in the back room by the cells
19 that I didn't know was there.

20 Q. Okay. But in the room that you
21 were in, those were the only two people that
22 were present?

23 A. From what I seen.

24 Q. Okay. Did you have any other
25 communications with Mr. Hesse concerning the

1 K. Lamm

2 Halloween incident after this June 2005
3 conversation?

4 A. I don't believe so.

5 Q. After this June 2005
6 conversation, did you ever have a
7 conversation with Chief Paridiso before
8 you -- before your last day of employment
9 concerning the Halloween incident?

10 A. I don't believe so.

11 Q. Did you ever advise May -- Mayor
12 Rogers of your concerns regarding the
13 investigation after this June 2005
14 conversation with Hesse?

15 A. No.

16 Q. Did you ever advise Trustee
17 Loeffler of your concerns concerning this
18 2000 -- this investigation after your June
19 2005 conversation with Hesse?

20 A. No. He was there. He drove the
21 ambulance and saw it and stated it was an
22 assault second.

23 MO MR. NOVIKOFF: Yeah. Thanks.

24 You already said that. Motion to
25 strike after the word "no."

1 K. Lamm

2 Q. Have you spoken to Chief
3 Paridiso, you personally, concerning this
4 lawsuit?

5 A. No.

6 Q. Have you spoken to Chief Paridiso
7 concerning the fact that you say you were
8 terminated from employment?

9 A. No.

10 Q. Have you had any communications
11 with Chief Paridiso after April 2, 2006?

12 A. Yes, I have.

13 Q. What communications did you have
14 with him?

15 A. He needed a parking pass to park
16 his vehicle when he went away.

17 Q. Parking pass from whom?

18 A. For the airport to park.

19 Q. And did you provide it for him?

20 A. As a courtesy, the department
21 does that for people.

22 Q. I'm just asking you if you
23 provided it for him?

24 A. Yes. Not -- I didn't personally
25 hand it to him or anything, but, you know,

1 K. Lamm

2 he was given his pass so he could park his
3 vehicle.

4 Q. Other than that interchange, did
5 you have any other communication with Chief
6 Paridiso after April 2, 2006?

7 A. Not that I can recall.

8 Q. And during this discussion
9 concerning the parking pass, did you discuss
10 any issues concerning this lawsuit?

11 A. No.

12 Q. Did you discuss any issues
13 concerning your termination?

14 A. No.

15 Q. Did you discuss any issues
16 concerning George Hesse?

17 A. No.

18 Q. Okay. And how long was this
19 conversation with Chief Paridiso?

20 A. It was short. Two, three
21 minutes.

22 Q. Okay. Did you ever post any
23 blogs on any site concerning Ocean Beach
24 after you were -- after your last day of
25 employment with Ocean Beach?

1 K. Lamm

2 A. No, I did not.

3 Q. Have you ever posted a blog where
4 the issue concerning Ocean Beach was
5 discussed?

6 A. No.

7 Q. You understand when I say
8 "posting a blog"?

9 A. Yes, I understand when you say
10 posting a blog. I know things have been
11 posted of me.

12 Q. On what blog?

13 A. On Long Island Politics Blog, the
14 Schwartz Report.

15 Q. Okay. So my question is, have
16 you ever posted on The Schwartz Report, a
17 blog?

18 A. No, I have not. But from my
19 understanding, it was told to Tom Snyder
20 that members of the department and Tyree
21 Bacon were posting things about me on that
22 blog about my character.

23 Q. You happy? You done with your
24 answer?

25 A. That's my answer.

1 K. Lamm

2 MO MR. NOVIKOFF: Motion to strike
3 as nonresponsive. After the fact --
4 after the testimony where he says he
5 didn't post any blogs. I'm done. No.
6 No. Mr. Connolly.

7 EXAMINATION BY

8 MR. CONNOLLY:

9 Q. Mr. Lamm, I want to bring your
10 attention back to 2006. When you went for
11 the psychological evaluation in order to
12 gain employment with what was it, the
13 Suffolk County Police Department?

14 A. Yes.

15 Q. Had you had the background check
16 before either the written or oral
17 evaluation?

18 A. The background check pertaining
19 to that specific job?

20 Q. Yes.

21 A. No. It was just kind of
22 commencing at the same time.

23 Q. Okay. So did you get the results
24 of the psychological evaluation before you
25 submitted any paperwork regarding the

1 K. Lamm

2 background evaluation?

3 MR. GOODSTADT: Objection.

4 A. No. I think I may have submitted
5 the background paperwork first.

6 Q. And then you never got a response
7 in connection with the background check
8 because you had gotten a response in
9 connection with the evaluation?

10 A. Correct.

11 Q. Earlier I believe in connection
12 with your testimony regarding Mitch Burns,
13 you indicated that George Hesse had been
14 told to bring in the narcotics team, would
15 that be correct?

16 A. Yes.

17 Q. Who told George Hesse?

18 A. Myself and other members of the
19 department suggested that we should have a
20 narcotics team come into the village.

21 Q. Okay. And where would that
22 narcotics team come from?

23 A. Suffolk County.

24 Q. And when did this conversation --
25 withdrawn. On how many occasions did you

1 K. Lamm

2 make that suggestion to George Hesse?

3 A. Maybe twice, three times maybe.

4 Q. And when did these two or three
5 occasions occur?

6 A. 2001, 2002.

7 Q. And did these conversations occur
8 while you were on duty?

9 A. Yes.

10 Q. Would it have been in the station
11 house?

12 A. Station house or sometimes
13 outside.

14 Q. Was anybody else with you when
15 you had these particular conversations?

16 A. Not -- not for all of them.

17 Q. For any of them?

18 A. There may have been other
19 officers there. I can't recall who they
20 were.

21 Q. Okay. I believe you indicated
22 that other officers had made that similar
23 suggestion to Mr. --- to George Hesse?

24 A. Yes.

25 Q. Okay. Who were those other

1 K. Lamm

2 officers?

3 A. Edward Carter. Tom Snyder. John
4 Oley.

5 Q. Okay. And how do you know this?

6 A. Because one -- one time speaking
7 to John -- John Oley, he told me he
8 suggested it to George, and talking with Tom
9 and Eddie, they had told me that they
10 suggested it as well.

11 Q. Okay. And when did Tom Snyder
12 tell you this?

13 A. Exactly the time frame, I don't
14 know the exact time frame.

15 Q. Can you tell me the year?

16 A. Around probably 2002.

17 Q. And how about Ed Carter, when did
18 he tell you?

19 A. Same time frame.

20 Q. And John Oley?

21 A. Somewhere in that same time
22 frame. Summer season 2002.

23 Q. And this -- did this suggestion
24 or suggestions to George Hesse, were they
25 verbal?

1 K. Lamm

2 A. Yes.

3 Q. Okay. Did you ever memorialize
4 them in writing?

5 A. No.

6 Q. In regard to the Houser's
7 incident, did you ever see Brian Van -- an
8 individual you later learned to be Brian
9 Vankoot at Houser's when you first arrived
10 at the scene?

11 A. Did I see him there?

12 Q. Yes.

13 A. When I first arrive at the scene?

14 Q. Yes.

15 A. No, I -- I don't believe I did.
16 No.

17 Q. When was the first time that
18 morning you saw Brian Vankoot?

19 A. From -- from what I can recall,
20 is when Frank brought him into the police
21 station.

22 Q. Did you ever learn where
23 Mr. Vankoot was between the time of the
24 incident and the time Officer Fiorillo
25 brought him into the station?

1 K. Lamm

2 A. That's something you'd have to
3 ask Frank Fiorillo as to exactly where he --
4 he got him.

5 Q. Did you ever ask Officer Fiorillo
6 as to where he located Mr. Vankoot?

7 A. Yes. I'm sorry. I believe he
8 found him at his house.

9 Q. And when did you first learn
10 that?

11 A. Sometime later that night I
12 believe. After the incident was -- after
13 they were getting treatment. I -- I believe
14 that's when I found out.

15 Q. Do you mean later that morning?

16 A. Yes.

17 Q. From the point in time you and
18 the other officers received a call to go to
19 Houser's to the point in time you got to
20 Houser's, was there any conversation in the
21 vehicle?

22 A. I don't recall if there was
23 specific.

24 Q. And did you recognize -- you took
25 the first call, would that be correct?

1 K. Lamm

2 A. Yes.

3 Q. Did you recognize the voice on
4 the call?

5 A. No.

6 Q. Was it a male or -- male voice?

7 A. From what it appeared to sound
8 like, it -- it could have been a male voice.

9 Q. And back in 2004, how did the
10 phone system work? Earlier you indicated
11 that calls would bounce out from the station
12 house if it was set to do so, would that be
13 correct?

14 A. Yes. It's --

15 Q. Was there an order of preference
16 on which -- withdrawn. Did each individual
17 officer back at this time have a cell phone
18 for business purposes?

19 A. No. It was just one cell phone.
20 It was the department's phone.

21 Q. Why did -- did you have the cell
22 phone for the first call?

23 A. It wasn't on my person. It was
24 in the middle of the vehicle and I answered
25 it.

1 K. Lamm

2 Q. Since April 2 of 2006, have you
3 applied for any other employment, other than
4 what you've testified to today?

5 A. No, I --

6 Q. And that would include non-law
7 enforcement fields?

8 A. No, I haven't.

9 Q. During your employment with the
10 Ocean Beach Police Department, how did you
11 get to work?

12 A. I'm sorry?

13 Q. How did you get to work?

14 A. To Ocean Beach?

15 Q. To Ocean Beach.

16 A. I drove to the lighthouse, and
17 from the lighthouse, we would take a police
18 vehicle and drive to Ocean Beach or a water
19 taxi.

20 Q. And when -- on those occasions
21 when you took a police vehicle, was there a
22 vehicle for use when you arrived at the
23 lighthouse?

24 A. Not all the time.

25 Q. Would you make a call?

1 K. Lamm

2 A. Well, the shift coming out
3 driving out, we would get the vehicle.
4 Sometimes we would have to make the call
5 because the vehicle wasn't there and --

6 Q. Thank you. During -- during your
7 employment at Ocean Beach, were there any
8 occasions that on duty officers drove you to
9 the lighthouse?

10 A. So if they were already working a
11 mid shift, they would come and pick me up
12 and they would drop me off at the
13 lighthouse. But as far as coming on duty, I
14 don't believe there was.

15 MR. CONNOLLY: Thank you. I
16 have no further questions.

17 MR. GOODSTADT: I have no
18 questions. I just want to reserve
19 Mr. Lamm's right to review and correct
20 the transcript.

21 (Continued on next page for
22 jurat.)
23
24
25

1 K. Lamm

2 THE VIDEOGRAPHER: This
3 completes today's deposition for Kevin
4 Lamm on November 19, 2008. The time is
5 5:55 p.m. and we are off the record.

6 (TIME NOTED: 5:55 P.M.)
7

8
9 _____
10 KEVIN LAMM

11 Subscribed and sworn to
12 before me this _____ day
13 of _____ 2008.
14

15 _____
16 NOTARY PUBLIC
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CERTIFICATION

I, Edward Leto, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the witness(es) whose
testimony is herein before set forth, was
duly sworn by me; and

THAT the within transcript is a
true and accurate record of the testimony
given by said witness(es).

I further certify that I am not
related either by blood or marriage, to any
of the parties to this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 7th day of
December, 2008.

EDWARD LETO

ERRATA SHEET

I wish to make the following changes,
for the following reasons:

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